

SENATE BILL REPORT

HB 1578

As Reported by Senate Committee On:
Government Operations & Elections, March 23, 2009

Title: An act relating to the board of directors of an air pollution control authority.

Brief Description: Regarding the board of directors of an air pollution control authority.

Sponsors: Representatives Driscoll, Ormsby, Wood and Williams.

Brief History: Passed House: 2/27/09, 94-0.

Committee Activity: Government Operations & Elections: 3/19/09, 3/23/09 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Staff: Edward Redmond (786-7471)

Background: Local air pollution control authorities (authorities) are established by the Washington Clean Air Act. Each authority is a municipal corporation that is responsible for carrying out specified duties and exercising powers as provided by law. Each of Washington's 39 counties has an authority created within it; however, some county authorities are inactive. Counties with inactive authorities are served by the Washington Department of Ecology's Air Quality Program. Seven multi-county authorities have been formed by county boards of commissioners by combining county authorities with the authorities of adjacent counties.

Each authority is governed by a board of directors (board). Members of the board serve in office for a term of four years. Initial appointments to the board are made by a city selection committee (committee), as well as the mayor and city council for the most populous cities within a county. Representatives on the board are designated by the board of county commissioners. The county auditor (auditor) convenes a meeting with members of the committee for the purpose of making its initial and subsequent appointments to the board. The auditor may alternatively mail ballots by certified mail to each member of the committee for the purpose of making such appointments.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A midterm vacancy within the board must be filled by the same method as the original appointment, except for appointments made by the committee, which must use the method provided within the statute for replacement. Any person appointed as a replacement will serve the remainder of the term for that office.

The auditor may administer the appointment process through the mail. A request must be mailed to each member of the committee seeking nominations to the office. The members of the committee have until the last day of the fourth month to return the nomination to the auditor or the auditor's designee. The auditor will mail ballots by certified mail to the committee within five business days of the close of the nomination period specifying the date by which to return the completed ballot. The completed ballot must be returned by the last day of the third month prior to the expiration of the term of office. At least two-weeks written notice must be given by the auditor to each member of the committee prior to the nomination process. A single notice is sufficient for both the nomination and balloting process.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Senate companion bill passed the House committee unanimously. The House bill, however, passed with a lot of no votes. House members thought that this bill was drafted by the state telling locals how to operate, not realizing that this bill came at the request of the Spokane Clean Air agency. Once this was explained, the Senate bill passed unanimously in the House. The board has the authority to levy property tax by the vote of the people. This becomes problematic when you have a board that serves four or more counties. The board is not funded through a levy tax; it is funded through a per capita contribution of each of the member jurisdictions.

Persons Testifying: PRO: Mike Ryherd, Puget Sound Air Pollution Agency.