

HOUSE BILL REPORT

HB 2970

*As Reported By House Committee on:
Local Government*

Title: An act relating to the payment of costs related to a continuous oil transmission line located in three or more counties and subject to the energy facility site evaluation council process.

Brief Description: Providing for the payment of costs related to a continuous oil transmission line located in three or more counties and subject to the energy facility site evaluation council process.

Sponsor(s): Representatives Haugen, Wilson, Jones, R. Meyers and Spanel.

Brief History:

Reported by House Committee on:
Local Government, February 7, 1992, DPS.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The Energy Facility Site Evaluation Council (EFSEC) law was enacted in 1976 to provide for state approval for locating certain major energy facilities, including some oil transmission lines. Under this law a state agency (EFSEC) reviews a proposed facility and makes recommendations to the governor for a final approval or disapproval, including any possible mitigation measures and other requirements.

Local land use regulations and other regulations may be preempted under this law.

An applicant under the EFSEC process must pay the state's costs of reviewing the application.

Summary of Substitute Bill: The applicant for certification of an oil transmission line under the EFSEC processes that has not been certified before the effective date of this act must pay \$25,000 to each county, and \$10,000 to each city, which is identified in its application as a county or city in which the proposed oil transmission line will be located. These fees are in addition to the normal fees paid to EFSEC.

The title of the bill limits the application of this new funding requirement to continuous oil transmission lines located in three or more counties that are subject to the EFSEC process.

Substitute Bill Compared to Original Bill: The original bill required an applicant for any oil transmission line to pay the reasonable costs incurred by a county or city for activities directly related to the site application process, but not including costs of appealing a decision of EFSEC.

Fiscal Note: Not requested.

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

Testimony For: The TransMountain Pipeline will pass over very sensitive areas. Local government must defend their citizens and land. This is only reasonable. Something up front is needed since these are relatively poor counties and cities.

Testimony Against: (Original bill): The state appoints an assistant attorney general to defend the environment. The applicant should not pay county and city costs of arguing whether its proposal is consistent with local regulations.

Witnesses: (Pro - substitute bill): Dwain Colby, Island County Commissioner; Rick Wickman, Grayden Hayward and Chuck Blumenfield, TransMountain Pipeline; Jim Rumpeltes, Clallam County; Homer Frazier, No Oil Port; Bruce Wishart, Sierra Club; and Kathy Fletcher, People for Puget Sound.