

HOUSE BILL REPORT

HB 1466

As Reported By House Committee On:

Natural Resources
Appropriations

Title: An act relating to surface mining.

Brief Description: Removing authority of the department of natural resources to delegate enforcement of reclamation plans.

Sponsors: Representatives Sump, Sheldon, Grant, Hatfield, Delvin and Pennington.

Brief History:

Committee Activity:

Natural Resources: 2/12/97, 2/28/97 [DPS];

Appropriations: 3/6/97 [DPS(NR)].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Hatfield; Pennington and Sheldon.

Staff: Linda Byers (786-7129).

Background: The Department of Natural Resources (DNR) administers the state's surface mining reclamation program. The department may, by contract, delegate its enforcement authority over provisions in surface mine reclamation plans to local governments. Currently the department has one such contract in place with King County.

The surface mining chapter states that surface mining is an appropriate land use, subject to reclamation authority exercised by the department.

Summary of Substitute Bill: The Department of Natural Resources may delegate its enforcement authority if the department believes that the county, city, or town employs personnel who are qualified to enforce reclamation plans approved by the department.

No county, city, or town may require for its review or approval a separate reclamation plan or application.

Substitute Bill Compared to Original Bill: The original version of the bill removed the department's ability to delegate its enforcement authority to local governments. The substitute bill restores this authority and adds that a local government may not require a separate reclamation plan or application.

Appropriation: None.

Fiscal Note: Available on original bill.

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

Testimony For: This bill is in response to a local jurisdiction that decided to get involved in reclamation. The industry is not having a problem with King County. The department should be the one in the position of enforcement.

Testimony Against: Prior to the 1993 legislation, it was unclear where the line of authority was between counties and the DNR. It would be good to maintain the option to delegate enforcement authority to qualified counties.

Testified: Mark Triplett, Washington Aggregate & Concrete Association (in favor); Paul Parker, Washington State Association of Counties (opposed).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Nancy Stevenson (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Natural Resources: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available on original bill.

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

Testimony For: The substitute bill formalizes the delegation of responsibilities.

Testimony Against: None.

Testified: Representative Sump, prime sponsor; and Mark Triplett, Washington Aggregate & Concrete Association.