

ANALYSIS OF HB 2768

House Agriculture & Ecology Committee

February 4, 1998

BACKGROUND:

In general, the money received by the state from fines, fees, forfeitures, penalties, reimbursements, or assessments from the courts are deposited into the public safety and education account. Money in this account is appropriated by the Legislature for traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent people, winter recreation parking, and state game programs. A number of other programs may be appropriated money from this account for the fiscal biennium ending on June 30, 1999. Money received as a result of criminal fines imposed for the violation of water pollution laws are deposited into this account.

Money received by the state as a result of the imposition of some civil fines are deposited into the state general fund. Money received by the state as a result of civil fines being imposed for violations of water pollution laws are deposited into the state general fund.

Moneys received by the state from penalties for violations of some environmental laws, such as the hazardous waste laws, are deposited into accounts which directly relate to the laws which were the subject of the violation.

The Attorney General's Office is not required to solicit public comment or seek the advice of local city and county legislative authorities before it reaches a settlement agreement with a person accused of violating water pollution laws.

SUMMARY:

An environmental restoration and improvement account is created in the custody of the State Treasurer. All fines, penalties, and damages recovered by the state as a result of civil or criminal fines imposed for violations of the state water pollution laws are deposited into this account. The Treasurer must maintain records which identify the city or county from which the money was received.

Money in the account may only be spent after appropriation. The Department of Ecology may only spend money from the account for the purposes of restoring and enhancing the state's

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environmental and natural resources, improving the capacity of local governments to protect and restore the environmental resources within their jurisdiction, and for public education and involvement activities which directly relate to environmental protection, restoration, and enhancement. The total expenditures in a city or county may not exceed the amount received in deposits which are identified from a city or county in the fiscal biennium.

The Attorney General's Office may only agree to a settlement of an action arising from an alleged violation of the water pollution laws, in those instances when the proposed settlement requires commitments by other parties instead of the imposition of fines, penalties, or damages, if: the Department of Ecology provides public notice of the proposed settlement and an opportunity for public comment; the Department received the recommendations of the city and county legislative authorities in the vicinity of the alleged violation; and the Department finds after receiving comments and recommendations from the public and local legislative authorities that the commitments in the proposed settlement are directly related to protecting and restoring the environmental resources in the vicinity of the alleged violation.

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