

HOUSE OF REPRESENTATIVES

Olympia, Washington

Bill Analysis

Bill No. HB 1977

Enhancing accountability of public works contractors.

Brief title

Hearing Date 2/24/99

Rep. Lantieri, Miloscand, Dunshee

Sponsor(s)

Staff Steve Andin

State Government Committee

Phone 786-7127

BACKGROUND:

Legislation enacted in 1993 establishing procedures for the secretary of the Department of Transportation to enter into public-private partnerships. Under this program the private entity, together with the department, studies and designs, constructs, operates and maintains transportation facilities using public-private resources. Public funding may also be used in a part of the project. A project constructed under this procedure is a part of the state highway system.

The private entity, as the public facilities constructor, may charge a fee or toll. The private entity is allowed to receive a reasonable return on its investment as determined through agreement negotiated with the department. The private entity may modify fees and tolls. The negotiated return on investment is not affected.

The department may contract with the private developer to conduct environmental studies, public involvement programs, and engineering and technical studies.

An advisory vote must be held on a project proposal and defined by the Department if the hearing has at least 500 signatures in support of the project submitted. The advisory vote is on the preferred alternative if the analysis prepared under the State Environmental Policy Act.

The department establishes a public-private involvement committee that is composed of persons representing interested affected organizations in support of the proposal and users of the project. The Governor appoints the public members. This committee serves as an advisory capacity to the department on all matters relating to the advisory vote. A public comment period precedes an advisory vote. Based on comments received during this comment period, the department may alter the affected area.

County auditor prepared description of the project that included a voter pamphlet distributed and affected a portion of the advisory vote.

SUMMARY:

An agreement or contract with the Department of Transportation under the Public-Private Transportation Initiative subject to private title law applicable to public entities performing activities is included but is not limited to:

- o Being audited by the state auditor;
- o Prohibition on use of facilities for campaign purposes;
- o Public disclosure and copying of its records to the same extent that its records were public records;
- o Open public meeting requirements if it were a public entity and
- o Employment whistle blower protection.

Any information gained by a private entity under such a contract may not be sold, transferred, or otherwise used by the private entity for purposes other than those strictly related to performing its services under the contract without express statutory authority.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill passed.