

# SENATE BILL REPORT

## SB 5467

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As of January 30, 2001

**Title:** An act relating to civil enforcement of hydraulic projects.

**Brief Description:** Providing the department of fish and wildlife with a range of enforcement options to enforce the hydraulic code.

**Sponsors:** Senators Constantine, Jacobsen and Regala; by request of Department of Fish and Wildlife.

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Shorelines: 1/31/01.

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

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**Staff:** David Johnson (786-7754)

**Background:** Hydraulic project permits are required before any work may be done in the waters of the state. Permits are issued by the Department of Fish and Wildlife and ensure that steps to adequately protect fish life will be taken.

Failing to obtain a permit or abide by the terms of a permit can result in civil penalties of up to \$100 per day, and is a gross misdemeanor. Civil penalties are appealable within 30 days. Penalties collected are paid into the general fund.

There is a desire for increased and varied enforcement authority and the ability for the department to compel corrective measures.

**Summary of Bill:** If work requiring an hydraulic permit is done without a permit, or in violation of the terms of a permit, the Department of Fish and Wildlife is authorized to order work stopped. The department is also authorized to order corrective action to restore the nonconforming site.

Failure to obtain a permit, abide by the terms of an hydraulic permit, or abide by the terms of a stop work or corrective order is a gross misdemeanor and may also be declared a civil infraction by the department. Civil infraction penalties can be up to \$500. Civil infraction penalties collected are split between state and local government, in the same manner as other civil infraction penalties.

Stop work and corrective orders are appealable within 20 days. Appeals are handled under the Administrative Procedure Act. In addition to any civil or criminal penalties, the wrongdoer is responsible for any corrective or restorative action ordered by the department.

It is a gross misdemeanor to violate rules relating to pamphlet hydraulic project approvals, such as small scale mining projects, unless violation of the rule is specifically designated a civil infraction.

**Appropriation:** None.

**Fiscal Note:** Requested on January 30, 2001.

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