

SENATE BILL REPORT

ESHB 1000

As Reported By Senate Committee On:
Land Use & Planning, February 26, 2004

Title: An act relating to metropolitan municipal corporations.

Brief Description: Regulating the authority of metropolitan municipal corporations to acquire property.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon).

Brief History:

Committee Activity: Land Use & Planning: 3/31/03, 4/3/03 [DP, DNP]; 2/26/04 [DP, DNP].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: Do pass.

Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

Minority Report: Do not pass.

Signed by Senator Kline.

Staff: Andrea McNamara (786-7483)

Background: A "metropolitan municipal corporation" is a municipal corporation created by statute for any area containing two or more cities, at least one of which has 10,000 or more population, for purposes of providing one or more functions, including water pollution abatement, water supply, public transportation, garbage disposal, parks and parkways, and comprehensive planning. Any county with a population of 210,000 or greater, in which a metropolitan municipal corporation has been established countywide, may assume the rights, powers, functions, and obligations of such metropolitan municipal corporation, as King County did with "Metro."

Among other powers, a metropolitan municipal corporation has the power to acquire land by purchase or condemnation, both within and outside its boundaries, for its lawful purposes. Condemnation follows procedures provided by statute for cities.

The Growth Management Act (GMA) requires counties and cities fully planning under the Act to establish a process for identifying and siting essential public facilities. "Essential public facilities," as provided in the GMA, include those facilities that are typically difficult to site, such as airports, state and local correctional facilities, and solid waste handling facilities.

Summary of Bill: Metropolitan municipal corporations are prohibited from exercising eminent domain for essential public facilities outside their component county boundaries without first completing the city or county siting process for an essential public facility where

the proposed facility is to be located. A metropolitan municipal corporation that has initiated review under the State Environmental Policy Act for an essential public facility by December 31, 2003, is exempt from the provisions of the act.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to protect citizens from decisions being made by officials from jurisdictions in which they have no input. It's about fairness and fair representation. Efficiency in the siting process is not a good enough reason to violate the fundamental principle of "no expropriation without representation." It has been amended so as not to impact the Brightwater sewage treatment project, but it will fix the process for future projects.

Testimony Against: The bill sets a bad precedent and creates too much opportunity to obstruct the siting of essential public facilities, which by their nature are already difficult to site. While the Brightwater facility has been exempted, the bill would apply to necessary future upgrades to the project as well as work that will need to be done to existing interceptor pipes that will connect into the new system.

Testified: Robert Hirsch, King County Department of Natural Resources (con); Robert Freeman, Washington Tea Party (pro); Genesee Adkins, 1000 Friends of Washington.