
State Government & Tribal Affairs
Committee

HB 1864

Brief Description: Exempting certain municipalities from the supplemental income requirements of RCW 70.94.093.

Sponsors: Representatives Newhouse, Hunt and Armstrong.

Brief Summary of Bill

- Exempts a component city or town located wholly within a federally recognized Indian reservation from the liability for payment of supplemental income to a local air pollution control authority.

Hearing Date: 2/3/09

Staff: Pam Madson (786-7111)

Background:

Air pollution control authorities are special purposes local government entities. If activated, they are responsible for enforcing federal, state, and local outdoor air quality standards and regulations including pollution from outdoor burning, wood stoves, and dust clouds. They can be a single county entity or a regional entity of more than one county. There are three local clean air agencies in eastern Washington that each cover one county and four agencies in western Washington that include multiple counties in each agency.

Local air agencies are funded from a variety of sources including: permit fees, penalty assessments, state and federal grants, and supplemental income from cities, towns, and counties located within the agency's boundaries according to a statutory formula based on property value or population or both. There is no statutory exemption for cities, towns, or counties from payment of the supplemental income assessment.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Some local air agencies cover land that is part of the reservation of a federally recognized Indian Tribe. The Environmental Protection Agency (EPA) enforces air quality laws and regulations for Tribal reservation lands under Federal Air Rules for Reservations.

An Attorney General's Opinion (AGO 2007 No.2) issued in early 2007 addressed the issue of whether cities and towns lying within an Indian reservation are subject to assessment for expenses of an air pollution control authority. It concluded that "*Where an air pollution control authority is coterminous with a county, and portions of the county are within an Indian reservation, and the EPA directly sets air quality standards within the reservation pursuant to federal law, cities and towns lying within the reservation are still fully subject to property taxation and statutory assessments for the expenses of the air pollution control authority.*"

Summary of Bill:

An exception is created to the liability for payment of supplemental income by a component city or town located wholly within a federally recognized Indian reservation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.