

SENATE BILL REPORT

SJM 8016

As Reported By Senate Committee On:
Ecology & Parks, February 28, 1995

Brief Description: Petitioning Congress to enact H.R. 24, The Community Solvency Act, expeditiously.

Sponsors: Senators McAuliffe, Swecker, Fraser, C. Anderson and Long.

Brief History:

Committee Activity: Ecology & Parks: 2/22/95, 2/28/95 [DPS].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Joint Memorial No. 8016 be substituted therefor, and the substitute joint memorial do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: David Danner (786-7784)

Background: Historically, the state Legislature has delegated to local governments the authority to determine "flow control," i.e., where the solid waste within a jurisdiction should be sent for processing or disposal. This authorization has facilitated assurances of adequate revenues for the repayment of the costs of solid waste facilities and programs.

However, in 1994, the Supreme Court issued a decision holding that state authority over flow control was an unconstitutional infringement of Congress's authority to regulate interstate commerce.

Congress subsequently introduced legislation to allow states and local governments to manage and finance solid waste disposal. The legislation permits a local government to exercise flow control only if that government has made a significant investment based on its previously-assumed authority. It further mandates that once the investment has been repaid, the local government must cease using flow control within ten years, unless it analyzes all realistic alternatives and finds that flow control is necessary to achieve solid waste goals.

The bill unanimously passed the House of Representatives, but did not pass the Senate, based on the objections of a single senator. The bill, H.R. 24, was reintroduced in the House in the current session.

Summary of Substitute Bill: Congress is asked to expeditiously enact legislation which protects local governments' ability to repay debts on solid waste facilities which they assumed based on previously accepted flow control authority.

Substitute Bill Compared to Original Bill: The references to specific flow control legislation currently pending in Congress are removed.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: Removal of flow control authority will lead to financial hardship to local governments which constructed costly solid waste systems and facilities. Local governments constructed systems in good faith based on assumed flow control authority. If Congress declines to reauthorize some form of local flow control authority, many governments may face insolvency.

Testimony Against: Local flow control leads to monopolistic practices and inefficiency. Solid waste disposal should be provided by private companies. While grandfathering of local governments which expressly based their bonding on flow control authority is appropriate, it should be narrowly construed.

Testified: PRO: Steven Goldstein, Snohomish County; Bill Vogler, WA State Assn. of Counties; CON: Scott Nelson, Browning-Ferris Industries.