

# ANALYSIS OF HB 1033

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## HOUSE AGRICULTURE & ECOLOGY COMMITTEE

FEBRUARY 6, 2001

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- Provides authority for a state legislator to serve on the board of directors for a local air pollution control authority spanning more than one county.
- Restricts a person from serving on the board of directors for a local air pollution control authority if he or she works in any capacity for an entity regulated by the local air authority.
- Restricts a member of the board of directors for a local air pollution control authority from voting on matters before the board that presents a potential conflict of interests.

### **Background:**

Local air pollution control authorities (authorities) are established by the Washington Clean Air Act. Each authority is a municipal corporation that is responsible for enforcing federal, state and local outdoor air quality standards and regulations in the county or counties it serves. Each of Washington's 39 counties has an authority created within it; however, some county authorities are inactive. Counties with inactive authorities are served by the Washington Department of Ecology's (DOE) Air Quality Program. Indian tribes have the authority to manage the air quality on reservations. Seven Multi-county authorities have been formed by county boards of commissioners by combining county authorities with adjacent county's authorities. Attachment 1 illustrates the location and member counties of each multi-county authority.

Each authority is governed by a board of directors (board). The board of an authority representing one county is composed of two appointees from the cities in the county, and two appointees from the board of county commissioners. If an authority spans between two and five counties, the board is composed of one appointee representing the largest city in each county and one member appointed by each county. The board of an authority spanning over six counties is composed of one appointee from each county, and one appointee from each of the three largest cities within the authority's boundaries. Board members of all authorities may, as a body, select an additional member if such action is necessary for the board to have an odd number of members. A chair for the board is selected by the members.

Board members with a potential conflict of interests must disclose the nature of the conflict prior to participating in board action. The members with the conflict of interests may be removed from participation on the issue if a majority of the unconflicted members feel that the conflict prevents a fair and objective review.

### Summary:

- 1) A state legislator, at his or her discretion, may opt to serve on the board of directors for the local air pollution control authority representing his or her home county, provided that the local authority serves two or more counties. If the local air pollution control authority's jurisdiction spans more than one legislative district, then a legislator from the district with the most populous city will have the opportunity to serve. Only one legislator may serve on each local air pollution control authority. The legislator serving on the local air pollution control authority is to be appointed by the other legislators in his or her district.
- 2) The chair of the board of directors for a local air pollution control authority must be an elected official serving on the board.
- 3) A member of the board of directors for a local air pollution control authority may not vote on matters before the board that involves a potential conflict of interests.
- 4) A member of the board of directors for a local air pollution control authority is restricted from working in any capacity for an entity regulated by the authority. Members offered employment by regulated entities, or entities that have been regulated within the previous two years, must discontinue service with the local air pollution control authority prior to accepting employment.

Appropriation: None.

Fiscal Note: None requested.

Effective Date: Ninety days after adjournment of regular session.

Attachment 1: Geographic locations of local air pollution control authorities

