

SENATE BILL REPORT

ESHB 1864

AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,
APRIL 1, 1991

Brief Description: Changing requirements for removal of sand and gravel from aquatic lands.

SPONSORS: House Committee on Natural Resources & Parks (originally sponsored by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon).

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: Do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Patterson, and Snyder.

Staff: Vic Moon (786-7469)

Hearing Dates: April 1, 1991

BACKGROUND:

Sale/Use of Materials Situated on Aquatic Lands: The Department of Natural Resources is authorized to sell stone, rock, gravel, or sand situated on aquatic lands to local governments for use in the construction, maintenance, or repair of roads located within the jurisdiction of the local government. The department is required to sell such materials at no less than the fair market value.

The department may authorize the use of rock, gravel, sand, or other materials situated on aquatic lands free of charge when such materials are: (1) removed for purposes of channel or harbor improvement, or flood control; and (2) used for public purposes.

Due to an apparent ambiguity in current law, there is some question as to whether the department is required to charge for materials removed from aquatic lands for purposes of channel or harbor improvement, or flood control when such materials are used subsequently for construction, maintenance, or repair of roads.

SUMMARY:

The requirement that materials removed from aquatic lands be sold at fair market value when sold to local governments for use in the construction, maintenance, or repair of roads is deleted. Instead, the department is prohibited from charging for such materials used by local governments for public purposes, including construction and maintenance of roads, dikes, and levees.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Because of an ambiguity in law, it is not clear that local government should not be charged for gravel used for roads, dikes and levees.

TESTIMONY AGAINST: None

TESTIFIED: Representative Pete Kremen, original sponsor (pro)