

SENATE BILL REPORT

ESSB 5991

As Passed Senate, February 27, 2015

Title: An act relating to activities at the department of transportation funded by the environmental legacy stewardship account.

Brief Description: Concerning activities at the department of transportation funded by the environmental legacy stewardship account.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Fain, Liias, Litzow, Braun, Schoesler, Parlette, Warnick, Sheldon, Becker and Brown).

Brief History:

Committee Activity: Transportation: 2/17/15, 2/19/15 [DPS-WM, DNP].

Ways & Means: 2/24/15 [DPS(TRAN), DNP].

Passed Senate: 2/27/15, 27-22.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators King, Chair; Fain, Vice Chair, Budget; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Baumgartner, Litzow, Miloscia, Rivers and Sheldon.

Minority Report: Do not pass.

Signed by Senators Cleveland, Habib, Jayapal and Pedersen.

Staff: Clint McCarthy (786-7319)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5991 as recommended by Committee on Transportation be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey, Becker, Brown, Hewitt, O'Ban, Padden, Parlette, Schoesler, Warnick and Hatfield.

Minority Report: Do not pass.

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.

Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Billig, Fraser, Hasegawa, Rolfes and Kohl-Welles.

Staff: Brian Connell (786-7346)

Background: Since July 1, 2013, and every fiscal year thereafter, revenues deposited into the toxics control accounts that exceed \$140 million must be deposited into the Environmental Legacy Stewardship Account (ELSA). Monies in ELSA may only be spent after appropriation. Under current law, monies in ELSA may be spent on the following:

- programs, competitive grants, or loans for local governments and state agencies that improve the environment through activities authorized under the State Toxics Control Account and the Local Toxics Control Account, including state matching funds required under federal clean-up law, the hazardous waste clean-up program, or water and environmental health protection and monitoring programs;
- grants or loans awarded through a competitive grant program administered by the Department of Ecology to fund design and construction of low-impact development retrofit projects and other projects that reduce stormwater pollution from existing infrastructure; and
- cleanup and disposal of hazardous substances from abandoned or derelict vessels.

Summary of Engrossed Substitute Bill: Twenty percent of the funds deposited into ELSA must be used for the purpose of legacy stormwater permit compliance activities and fish passage barrier removal activities at the Department of Transportation. The bill takes effect only if SB 5987, concerning transportation revenue, is enacted by June 30, 2015.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2015.

Staff Summary of Public Testimony on Original Bill (Transportation): CON: Concerns are voiced with how this affects the Department of Ecology and putting funds toward projects they weren't originally intended for. Cities are concerned that these funds are for stormwater retrofits. Since ELSA is already over burdened, the cities propose that the Department of Transportation would pay 100 percent of what they owe for stormwater, rather than only 30 percent in statute. ELSA is in high demand right now at a time where the funding has declined substantially. ELSA funding is volatile. It shifts stormwater and culvert funds to ELSA and away from the gas tax. Adding culverts is a new requirement that expands the uses for an over-appropriated account.

Persons Testifying (Transportation): CON: Clifford Traisman, WA Environmental Council, WA Conservation Voters; Darcy Nonemacher, WA Environmental Council; Joe Kendo, WA State Labor Council.

Staff Summary of Public Testimony (Ways & Means): CON: Funds in ELSA should not be diverted for new purposes. There are insufficient funds in ELSA and this will further burden the account with expenditures that should be covered with gas tax revenue.

OTHER: Cities have the same needs around stormwater and culverts that the state does and would like to see these funds focused on projects that benefit multiple jurisdictions.

Persons Testifying (Ways & Means): CON: Darcy Nonemacher, WA Environmental Council; John Lane, Office of Financial Management.

OTHER: Alison Hellberg, Assn. of WA Cities.

Persons Signed In To Testify But Not Testifying: No one.