

Multiple Agency Fiscal Note Summary

Bill Number: 2207 E S HB AMS WM S5562.1	Title: Solid waste dumping
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Department of Revenue	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Transportation	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Environmental and Land Use Hearings Office	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Preliminary 3/ 5/2024
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Department of Revenue Fiscal Note

Bill Number: 2207 E S HB AM: WM S5562.1	Title: Solid waste dumping	Agency: 140-Department of Revenue
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 60-786-7346	Date: 02/27/2024
Agency Preparation: Anna Yamada	Phone: 60-534-1519	Date: 02/29/2024
Agency Approval: Valerie Torres	Phone: 60-534-1521	Date: 02/29/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/29/2024

Request # 2207-3-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Note: This fiscal note reflects Senate amendment AMS WM S5562.1 to ESHB 2207, 2024 Legislative Session.

COMPARISON OF AMENDMENT TO THE ENGROSSED SUBSTITUTE BILL WITH THE ENGROSSED SUBSTITUTE BILL:

The amendment:

- Reclassifies littering between one cubic foot and 10 cubic yards of material as a misdemeanor but allows the option of this being a natural resource infraction.
- Reduces the letter cleanup restitution payment from four times to two times the actual cost of cleanup for a misdemeanor.
- Modifies the distribution of litter clean-up restitution payments, by distributing the cost of cleanup to the landowner and the remainder to the law enforcement agency investigating the incident.
- Removes changes to the waste reduction, recycling, and litter control account and eliminates the creation of new grants for illegal dumping programs.
- Removes changes to the model toxics control operating account and eliminates the extension of the public participation grant program.
- Removes allowing general peace officers to take actions for enforcement in unlawful dumping.

CURRENT LAW:

It is a misdemeanor for a person to litter in an amount of one cubic foot or greater (in case of a cubic yard or more of litter, it is a gross misdemeanor). The person pays a litter cleanup restitution payment, which is twice the actual cost of cleanup. The court distributes half the restitution payment to the landowner and half to the law enforcement agency.

The person also pays a penalty according to the amount of the litter. The money collected from penalties for littering violations and all proceeds from the litter tax are deposited into the waste reduction, recycling, and litter control account. The account funds programs and grants for cleanups, recycling, and other waste-related activities administered by the Department of Ecology.

Money collected in the Model Toxics Control Operating Account funds hazardous waste cleanups, education, planning, enforcement, and other related activities.

The Department of Ecology uses 1% of the money collected from HST for public participation grants related to hazardous substance remedial matters.

Department of Natural Resources operates derelict vessel removals on aquatic lands.

PROPOSAL:

This bill gives an option to make a misdemeanor of littering violation a natural resource infraction if the littering amount is between one cubic foot and 10 cubic yards. It is a gross misdemeanor to litter 10 cubic yards or more in littering amount.

The littering penalties for a natural infraction will be equal to four times the actual cost of clean-up. For misdemeanors, the littering penalties will be equal to two times the actual cost of clean-up. The court will distribute the clean-up costs from the litter clean-up restitution payment to the landowner, and the remaining to the investigating law enforcement.

The bill sets a new penalty scale for a natural resource infraction between 1 cubic foot and 10 cubic yards of littered materials for penalty amounts ranging from \$250 to \$1,000.

Request # 2207-3-1

The Department of Ecology has the authority to initiate enforcement of the natural resource infractions of littering violations

EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

This legislation results in no revenue impact on taxes administered by the Department of Revenue (department).

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The department will not incur any costs with the implementation of this legislation.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

NONE

III. B - Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. C - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 2207 E S HB AM; WM S5562.1	Title: Solid waste dumping	Agency: 405-Department of Transportation
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/27/2024
Agency Preparation: Nicole Knudson	Phone: 360-705-7293	Date: 03/01/2024
Agency Approval: Andrea Fortune	Phone: 360-705-6823	Date: 03/01/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 03/04/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached fiscal note.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: ESHB 2207 **Title:** Solid waste dumping

Agency: 405-Department of Transportation

Part I: Estimates

- No Fiscal Impact (Explain in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
 - If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
 - Capital budget impact, **complete Part IV**
 - Requires new rule making, **complete Part V**
 - Revised

Agency Assumptions

N/A

Agency Contacts:

Preparer: Nicole Knudson	Phone: 360-705-7293	Date: 02/28/24
Approval: Andrea Fortune	Phone: 360-705-7855	Date: 02/29/24
Budget Manager: Siri Olson	Phone: 360-705-7542	Date: 02/29/24

Part II: Narrative Explanation

II. A - Brief description of what the measure does that has fiscal impact.

Engrossed Substitute House Bill 2207 S5562.1 changes reclassifies litter quantity, reduces litter clean up restitution, modifies distribution of litter clean-up restitution payments, and eliminates creation of new grants for funding programs to recue illegal dumping. There is no fiscal impact to WSDOT for the changes in ESHB 2207 S5562.1.

Engrossed Substitute House Bill 2207 classifies violations and penalties attributed to unlawful waste dumping and provides funds for public participation grants using the Model Toxics Control Operating Account. There is no fiscal impact to WSDOT for the changes in ESHB 2207.

The Washington State Department of Transportation assumes no fiscal impact from HB 2207, based upon the proposed activities which include the direction to the Department of Ecology to develop and administer litter collection programs and litter control efforts, as well as the administration and awarding of grants to local governments or nonprofit organizations aimed at reducing outdoor dumping. Department of Ecology is responsible for coordinating litter control efforts with department of natural resources, revenue, transportation, corrections, and the parks and recreation commission. The Department of Transportation assumes it will be reimbursed from the Department of Ecology for any

Individual State Agency Fiscal Note

litter control activities coordinated by the Department of Ecology, which incur expenses for the Department of Transportation. These expenses would be separate from current funding for litter removal efforts on state highway rights-of-way.

Section 4 describes a waste reduction, recycling, and litter control account with receipts from taxes imposed to be appropriated to the Department of Ecology for litter collection programs; litter control efforts; employing youth in litter cleanup; picking litter; public awareness programs; and the administration of these activities. The Department of Ecology is also authorized to develop a competitive grant program for local governments and nonprofits to create and implement outreach plans and education programs.

II. B – Cash Receipts Impact

There is no cash receipt impact to WSDOT as revenue from penalties will be determined by the courts.

II. C - Expenditures

N/A

Part III: Expenditure Detail

III. A - Expenditures by Object or Purpose

N/A

Part IV: Capital Budget Impact

N/A

Part V: New Rule Making Required

N/A

Individual State Agency Fiscal Note

Bill Number: 2207 E S HB AM; WM S5562.1	Title: Solid waste dumping	Agency: 461-Department of Ecology
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/27/2024
Agency Preparation: My-Hanh Mai	Phone: 360-742-6931	Date: 02/27/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 02/27/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/27/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Compared to 2207 ESHB, 2207 ESHB AMS WM S5562.1 has the following substantive changes:

- Section 2 reclassifies litter in an amount greater than one cubic foot but less than 10 cubic yards as a misdemeanor but allows for alternative punishment with notice of a natural resource infraction.
- Section 2 reduces the litter cleanup restitution payment for gross misdemeanors from four times the actual cost of cleanup to two times the actual cost of cleanup.
- Section 2 modifies the distribution of litter clean-up restitution payments, distributing a portion to the landowner equal to the cost of cleanup and the remainder to the law enforcement agency investigating the incident.
- Removes language amending the Waste Reduction, Recycling, and Litter Control Account, eliminating the creation of new grants to reduce illegal dumping (section 4 in 2207 ESHB).
- Removes language amending the Model Toxics Control Operating Account, eliminating the extension of the public participation grant program to efforts to reduce illegal dumping of hazardous materials or petroleum-containing products (section 5 in 2207 ESHB).

Eliminating the creation of the new grants to reduce illegal dumping (former section 4) and extension of the public participation grant program (former section 5) changes the fiscal impact for Ecology to no fiscal impact.

Section 2 would amend RCW 70A.200.060, the class 3 civil infraction for littering as provided in RCW 7.80.120, including detentions for a reasonable period and investigations as provided in RCW 7.84.030, to change littering in an amount less than 10 cubic yards to a natural resource infraction under chapter 7.84 RCW. Littering more than 10 cubic yards would be a gross misdemeanor. A person found liable under this section shall, in addition to the penalties provided for gross misdemeanors in RCW 7.84.100, pay a litter cleanup restitution payment equal to four times (formerly twice) the actual cost of cleanup for natural resource infractions and misdemeanors and two times the actual cost of cleanup for gross misdemeanors. The court shall distribute an amount of the restitution payment that equals the actual cost of cleanup to the landowner and the remainder would go to the law enforcement agency investigating the incident.

Section 3 would amend RCW 7.84.100, by defining the penalties for violations of RCW 70A.200.060 as follows:

- Up to \$250 for littering less than 500 pounds.
- Up to \$750 for littering more than 500 pounds, but less than 1,000 pounds.
- Up to \$1,000 for littering more than 1,000 pounds.

Section 4 would amend RCW 7.84.140 to authorize any person specified in RCW 70A.200.050 to initiate enforcement of RCW 70A.200.060 for those natural resource infractions under this chapter, with or without an interlocal agreement under this section.

Section 5 would amend RCW 7.84.020 to modify the definition of an infraction by adding a reference to RCW 70A.200.060 and “or a civil infraction”.

There are no new requirements to the Department of Ecology, and Ecology does not collect litter cleanup restitution payments or penalties specified under this bill. Therefore, this bill would have no fiscal impact to Ecology.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2207 E S HB AM; WM S5562.1	Title: Solid waste dumping	Agency: 465-State Parks and Recreation Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/27/2024
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 02/29/2024
Agency Approval: Pam Barkis	Phone: (360) 902-8535	Date: 02/29/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/29/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The amendment for Engrossed Substitute House bill 2207 proposes changes to help reduce impacts of unlawful solid waste dumping on public and private lands.

State Parks assume no direct fiscal impact from the proposed changes in this bill. The agency is an active participant in statewide litter collection programs and will continue to participate as directed by administering agencies and seek funding as needed to maintain litter and pollution reduction efforts.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

None.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2207 E S HB AM; WM S5562.1	Title: Solid waste dumping	Agency: 468-Environmental and Land Use Hearings Office
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/27/2024
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 02/28/2024
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 02/28/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/28/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This bill aims to reduce the impacts of unlawful solid waste dumping.

This version of the bill does not include the pilot project (former Sec. 6) that would have added vessels abandoned or derelict on terrestrial lands (instead of water) to RCW 79.100 Derelict Vessels.

Therefore, this bill would have no impact to the Pollution Control Hearings Board (PCHB).

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

None

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2207 E S HB AM; WM S5562.1	Title: Solid waste dumping	Agency: 490-Department of Natural Resources
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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Check applicable boxes and follow corresponding instructions:

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/27/2024
Agency Preparation: Andrew Hills	Phone: /	Date: 03/01/2024
Agency Approval: Brian Considine	Phone: 3604863469	Date: 03/01/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/05/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

2207 – ES AMS WM S5562.1 recognizes the increasing problems arising from unlawful solid waste dumping on open spaces such as forestlands. This bill also recognizes that the imposing of criminal penalties is not adequately addressing this growing problem and seeks to provide and shift reliance on civil penalties for infractions as a deterrence for all but the most egregious illegal dumping.

There is language added that delineates a class 3 civil infraction versus a misdemeanor versus a gross misdemeanor based on the amount a person is littering. This version revises the penalties for those found liable or guilty are spelled out as 4 times actual cost of cleanup for infractions and misdemeanors and 2 times the actual cost of cleanup for gross misdemeanors and provides that the court may suspend or modify restitution payment for a first-time offender in some circumstances. Any fees for infractions are to go to the landowner and the investigating law enforcement agency.

Additionally, this bill if passed will change some of the littering laws from criminal to Natural Resource Infractions. It will also allow general authority officers to issue these Natural Resource Infractions without having to enter interlocal agreements with the Department of Natural Resources (DNR).

DNR sees no fiscal impact from the implementation of this bill.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2207 E S HB AM; WM S5562.1	Title: Solid waste dumping
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: can apply for grants to reduce illegal dumping, reduction in municipal court costs
- Counties: can apply for grants to reduce illegal dumping
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: costs associated with applying for grants
- Legislation provides local option: Applying for a grant is up to the discretion of each municipality
- Key variables cannot be estimated with certainty at this time: number of court cases affected, which jurisdictions would be awarded a grant or for what amount

Estimated revenue impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Tammi Alexander	Phone: 360-725-5038	Date: 03/05/2024
Leg. Committee Contact: Jed Herman	Phone: 360-786-7346	Date: 02/27/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 03/05/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/05/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Note: This fiscal note reflects Senate amendment AMS WM S5562.1 to ESHB 2207, 2024 Legislative Session.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

- reclassifies littering between one cubic foot and 10 cubic yards of material as a misdemeanor but allows the option of this being a natural resource infraction
- reduces the letter cleanup restitution payment from four times to two times the actual cost of cleanup for a misdemeanor
- modifies the distribution of litter clean-up restitution payments, by distributing the cost of cleanup to the landowner and the remainder to the law enforcement agency investigating the incident
- removes changes to the waste reduction, recycling, and litter control account and eliminates the creation of new grants for illegal dumping programs
- removes changes to the model toxics control operating account and eliminates the extension of the public participation grant program
- removes allowing general peace officers to take actions for enforcement in unlawful dumping

SUMMARY OF CURRENT BILL:

- revises the criteria for violations, the value of penalties, and the value of restitution payments issued under the unlawful waste dumping statute
- allows misdemeanor violations to be punished alternatively as natural resource infractions
- modifies the distribution of restitution payments, awarding landowners a portion equal to the actual cost of cleanup and distributing the remainder to the law enforcement agency investigating the incident
- authorizes enforcement of natural resource infractions by designated authorities

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The changes in this amended version do not create any new fiscal impacts to local government expenditures.

EXPENDITURE IMPACTS OF CURRENT BILL:

According to the Association of Washington Cities, there could be a reduction in municipal court costs for any infractions happening in city limits. These costs cannot be estimated at this time because the number of cases is unknown.

Also, local governments applying for the grants will incur costs associated with preparing and submitting applications. The costs for local governments to apply for the grants is indeterminate. These costs will likely include administrative costs and may include grant writing expenditures or other expenses.

Applying for such a grant is up to the discretion of each municipality, and is therefore a local option.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The changes in this amended version do not create any new fiscal impacts to local government revenue.

REVENUE IMPACTS OF CURRENT BILL:

This legislation would result in indeterminate revenues for local governments applying for grants from the Department of Ecology as outlined in the bill. However, it is unknown how much funding would be available for these grants, how much funding would be specified for each individual grant, nor how many grants would be awarded to cities and counties. Applying for such a grant is up to the discretion of each municipality, and is therefore a local option.

SOURCES:

Association of Washington Cities

Department of Revenue fiscal note, EHB 2207 (2024)

Senate Bill Report, ESHB 2207, Environment, Energy, and Technology Committee (03/01/2024)

Washington State Association of Counties