

SENATE BILL REPORT

SHB 1169

As of April 4, 2005

Title: An act relating to including public school facilities as essential public facilities.

Brief Description: Including public school facilities as essential public facilities.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Quall, P. Sullivan, Talcott, Strow, Grant, Buri, Morrell, Miloscia, Dickerson, Morris, Lovick, Simpson, Tom, Chase, Kenney, O'Brien, Sells, Ormsby, Haigh and Santos).

Brief History: Passed House: 3/15/05, 95-1.

Committee Activity: Government Operations & Elections: 3/29/05.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Genevieve Pisarski (786-7488)

Background: Cities and counties that plan under the Growth Management Act (GMA) must include in their comprehensive plans a process for identifying and siting essential public facilities. The law does not expressly define essential public facilities, but states that they include those facilities that are typically difficult to site and lists, as examples, airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, in-patient facilities, and secure community transition facilities.

Summary of Bill: "Public school facilities" are added to the list of examples of essential public facilities. A specific public school facility can be declared an essential public facility by resolution of a school district board of directors, but no particular location can be specified.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This addresses a problem encountered by the Burlington School District. All the property in this small town has been acquired by commercial interests and is now prohibitively expensive, making schools difficult to site in the same way as the other examples in statute. This is a statewide problem, in that plans fail to include sites for schools, and there is no way to make them do so, short of litigation. Skagit County is another example. This proposal could be amended to remove public schools from the list of examples and have the school district request that the local government list a particular school as an essential public facility.

Testimony Against: This is too broad as proposed. Although it may be appropriate in some places, it shouldn't be mandatory statewide. Giving this authority to school districts is inconsistent with the authority the GMA gives to local government. Amending it to authorize a local option and a request to local government helps.

Who Testified: PRO: Rep. Quall, prime sponsor; Rick Jones, Burlington-Edison School District; Charlie Brown, King County School Coalition.

CON: Leonard Bauer, CTED.