

ESSB 6580 - H COMM AMD

By Committee on Appropriations

ADOPTED AND ENGROSSED 03/06/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
4 implications of a changed climate will affect the people, institutions,
5 and economies of Washington. The legislature also recognizes that it
6 is in the public interest to reduce the state's dependence upon foreign
7 sources of carbon fuels that do not promote energy independence or the
8 economic strength of the state. The legislature finds that the state,
9 including its counties, cities, and residents, must engage in
10 activities that reduce greenhouse gas emissions and dependence upon
11 foreign oil.

12 (2) The legislature further recognizes that: (a) Patterns of land
13 use development influence transportation-related greenhouse gas
14 emissions and the need for foreign oil; (b) fossil fuel-based
15 transportation is the largest source of greenhouse gas emissions in
16 Washington; and (c) the state and its residents will not achieve
17 emission reductions established in RCW 80.80.020 without a significant
18 decrease in transportation emissions.

19 (3) The legislature, therefore, finds that it is in the public
20 interest of the state to provide appropriate legal authority, where
21 required, and to aid in the development of policies, practices, and
22 methodologies that may assist counties and cities in addressing
23 challenges associated with greenhouse gas emissions and our state's
24 dependence upon foreign oil.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
26 to read as follows:

27 (1) The department must develop and provide to counties and cities
28 a range of advisory climate change response methodologies, a computer
29 modeling program, and estimates of greenhouse gas emission reductions

1 resulting from specific measures. The advisory methodologies, computer
2 modeling program, and estimates must reflect regional and local
3 variations and the diversity of counties and cities planning under RCW
4 36.70A.040. Advisory methodologies, the computer modeling program,
5 estimates, and guidance developed under this section must be consistent
6 with recommendations developed by the advisory policy committee
7 established in section 4 of this act.

8 (2) The department, in complying with this section, must work with
9 the department of transportation on reductions of vehicle miles
10 traveled through efforts associated with, and independent of, the
11 process directed by RCW 47.01.--- (section 8, chapter . . . (E2SHB
12 2815)), Laws of 2008.

13 (3) The department must complete and make available the advisory
14 climate change response methodologies, computer program, and estimates
15 required by this section by December 1, 2009. The advisory climate
16 change response methodologies, computer program, and estimates must be
17 updated two years before each completion date established in RCW
18 36.70A.130(4)(a).

19 (4) This section expires January 1, 2011.

20 NEW SECTION. **Sec. 3.** (1) A local government global warming
21 mitigation and adaptation program is established. The program must be
22 administered by the department of community, trade, and economic
23 development and must conclude by June 30, 2010. The department must,
24 through a competitive process, select three or fewer counties and six
25 cities for the program. Counties selected must reflect a range of
26 opportunities to address climate change in urbanizing, resource, or
27 agricultural areas. Cities selected must reflect a range of sizes,
28 geographic locations, and variations between those that are highly
29 urbanized and those that are less so that have more residential
30 dwellings than employment positions.

31 (2) The program is established to assist the selected counties and
32 cities that: (a) Are addressing climate change through their land use
33 and transportation planning processes; and (b) aspire to address
34 climate change through their land use and transportation planning
35 processes, but lack necessary resources to do so. The department of
36 community, trade, and economic development may fund proposals to
37 inventory and mitigate global warming emissions, or adapt to the

1 adverse impacts of global warming, using criteria it develops to
2 accomplish the objectives of this section and sections 2 and 4 of this
3 act.

4 (3) The department of community, trade, and economic development
5 must provide grants and technical assistance to aid the selected
6 counties and cities in their efforts to anticipate, mitigate, and adapt
7 to global warming and its associated problems. The department, in
8 providing grants and technical assistance, must ensure that grants and
9 assistance are awarded to counties and cities meeting the criteria
10 established in subsection (2)(a) and (b) of this section.

11 (4) The department of community, trade, and economic development
12 must provide a report of program findings and recommendations to the
13 governor and the appropriate committees of the house of representatives
14 and the senate by January 1, 2011.

15 (5) This section expires January 1, 2011.

16 NEW SECTION. **Sec. 4.** (1)(a) With the use of funds provided by
17 specific appropriation, the department must prepare a report that
18 includes:

19 (i) Descriptions of actions counties and cities are taking to
20 address climate change issues. The department must use readily
21 available information when completing the requirements of this
22 subsection (1)(a)(i);

23 (ii) Recommendations of changes, if any, to chapter 36.70A RCW and
24 other relevant statutes that would enable state and local governments
25 to address climate change issues and the need to reduce dependence upon
26 foreign oil through land use and transportation planning processes;

27 (iii) Descriptions of existing and potential computer modeling and
28 other analytic and assessment tools that could be used by counties and
29 cities in addressing their proprietary and regulatory activities to
30 reduce greenhouse gas emissions and/or dependence upon foreign oil;

31 (iv) Assessments of state and local resources, financial and
32 otherwise, needed to fully implement recommendations resulting from and
33 associated with (a)(ii) and (iii) of this subsection; and

34 (v) Recommendations for additional funding to implement the
35 recommendations resulting from (a)(ii) of this subsection.

36 (b) The department must submit the report required by this section

1 to the governor and the appropriate committees of the house of
2 representatives and the senate by December 1, 2008.

3 (2)(a) In preparing the report required by this section, the
4 department must convene, and receive majority approval of report
5 recommendations from, an advisory policy committee, with members as
6 provided in this subsection.

7 (i) The speaker of the house of representatives must appoint one
8 member from each of the two largest caucuses of the house of
9 representatives.

10 (ii) The president of the senate must appoint one member from each
11 of the two largest caucuses of the senate.

12 (iii) Three members representing counties and five members
13 representing cities. Members appointed under this subsection
14 (2)(a)(iii) must represent each of the jurisdictional areas of growth
15 management hearings boards and must be appointed by state associations
16 representing counties and cities.

17 (iv) One member representing tribal governments, appointed by the
18 governor.

19 (b) The advisory policy committee must have the following nonvoting
20 ex officio members:

21 (i) One member representing the office of the governor;

22 (ii) One member representing an association of builders;

23 (iii) One member representing an association of real estate
24 professionals;

25 (iv) One member representing an association of local government
26 planners;

27 (v) One member representing an association of agricultural
28 interests;

29 (vi) One member representing a nonprofit entity with experience in
30 growth management and land use planning issues;

31 (vii) One member representing a statewide business association;

32 (viii) One member representing a nonprofit entity with experience
33 in climate change issues;

34 (ix) One member representing a nonprofit entity with experience in
35 mobility and transportation issues;

36 (x) One member representing an association of office and industrial
37 properties; and

38 (xi) One member representing an association of architects.

1 (c)(i) The department, in preparing the report and presenting
2 information and recommendations to the advisory policy committee, must
3 convene a technical support team, with members as provided in this
4 subsection.

5 (A) The department of ecology must appoint one member representing
6 the department of ecology.

7 (B) The department must appoint one member representing the
8 department.

9 (C) The department of transportation must appoint one member
10 representing the department of transportation.

11 (ii) The department, in complying with this subsection (2)(c), must
12 consult with the professional staffs of counties and cities or their
13 state associations, and regional transportation planning organizations
14 and must solicit assistance from these staffs in developing materials
15 and options for consideration by the advisory policy committee.

16 (3) Nominations for organizations represented in subsection (2) of
17 this section must be submitted to the department by April 15, 2008.

18 (4) For purposes of this section, "department" means the department
19 of community, trade, and economic development.

20 (5) This section expires December 31, 2008.

21 **Sec. 5.** RCW 36.70A.280 and 2003 c 332 s 2 are each amended to read
22 as follows:

23 (1) A growth management hearings board shall hear and determine
24 only those petitions alleging either:

25 (a) That, except as provided otherwise by this subsection, a state
26 agency, county, or city planning under this chapter is not in
27 compliance with the requirements of this chapter, chapter 90.58 RCW as
28 it relates to the adoption of shoreline master programs or amendments
29 thereto, or chapter 43.21C RCW as it relates to plans, development
30 regulations, or amendments, adopted under RCW 36.70A.040 or chapter
31 90.58 RCW. Nothing in this subsection authorizes a board to hear
32 petitions alleging noncompliance with section 3 of this act; or

33 (b) That the twenty-year growth management planning population
34 projections adopted by the office of financial management pursuant to
35 RCW 43.62.035 should be adjusted.

36 (2) A petition may be filed only by: (a) The state, or a county or
37 city that plans under this chapter; (b) a person who has participated

1 orally or in writing before the county or city regarding the matter on
2 which a review is being requested; (c) a person who is certified by the
3 governor within sixty days of filing the request with the board; or (d)
4 a person qualified pursuant to RCW 34.05.530.

5 (3) For purposes of this section "person" means any individual,
6 partnership, corporation, association, state agency, governmental
7 subdivision or unit thereof, or public or private organization or
8 entity of any character.

9 (4) To establish participation standing under subsection (2)(b) of
10 this section, a person must show that his or her participation before
11 the county or city was reasonably related to the person's issue as
12 presented to the board.

13 (5) When considering a possible adjustment to a growth management
14 planning population projection prepared by the office of financial
15 management, a board shall consider the implications of any such
16 adjustment to the population forecast for the entire state.

17 The rationale for any adjustment that is adopted by a board must be
18 documented and filed with the office of financial management within ten
19 working days after adoption.

20 If adjusted by a board, a county growth management planning
21 population projection shall only be used for the planning purposes set
22 forth in this chapter and shall be known as a "board adjusted
23 population projection". None of these changes shall affect the
24 official state and county population forecasts prepared by the office
25 of financial management, which shall continue to be used for state
26 budget and planning purposes.

27 NEW SECTION. **Sec. 6.** This act is not intended to amend or affect
28 chapter 353, Laws of 2007.

29 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

33 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
34 section 2 of this act, referencing section 2 of this act by bill or

1 chapter number and section number, is not provided by June 30, 2008, in
2 the omnibus appropriations act, section 2 of this act is null and void.

3 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
4 section 3 of this act, referencing section 3 of this act by bill or
5 chapter number and section number, is not provided by June 30, 2008, in
6 the omnibus appropriations act, section 3 of this act is null and void.

7 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2008, in the omnibus appropriations act, this act
10 is null and void."

11 Correct the title.

--- END ---