

SENATE BILL REPORT

SB 6214

As Reported by Senate Committee On:
Government Operations & Elections, January 28, 2010

Title: An act relating to restructuring three growth management hearings boards into one board.

Brief Description: Restructuring three growth management hearings boards into one board.

Sponsors: Senators Haugen, Morton, Swecker, Shin, McCaslin, Ranker, Rockefeller, Fairley, Pridemore, Kline, Parlette, Jacobsen, Schoesler, Sheldon, McDermott and Fraser; by request of Growth Management Hearings Board.

Brief History:

Committee Activity: Government Operations & Elections: 1/18/10, 1/28/10 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: The Growth Management Hearings Boards (GMHBs) are charged with determining compliance with the Growth Management Act. There are three GMHBs for the three defined geographic areas of the state - Eastern Washington, Western Washington, and Central Puget Sound. Each GMHB is composed of three members who must reside within the territorial jurisdiction of the respective GMHB. One GMHB member on each board must be an attorney and one a former local elected official. No more than two members of a GMHB may be affiliated with the same political party. Board members serve six-year terms.

In order to render a decision on a case, at least two members must agree. Final decisions of a GMHB may be appealed to a superior court. If all parties agree, a superior court may directly review a petition filed with a GMHB.

In response to the budget reductions enacted in the state's 2009 – 2011 operating budget, the GMHBs consolidated their administrative functions and closed their eastern and central

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.

Puget Sound regional offices in Yakima and Seattle. The office of the Western Washington Board in Olympia serves as the administrative office of all three GMHBs.

Summary of Bill (Recommended Substitute): The three regional GMHBs are abolished and consolidated into a single Growth Management Hearing Board (GMHB). The consolidated board consists of seven members qualified by experience or training in land use law or planning. The members must be appointed by the Governor to six-year terms from three specified regions in the state, with two members each from the Central Puget Sound area, Eastern Washington, and Western Washington. At least three members of the consolidated board, one from each region, must be admitted to practice law in the state. Additionally, at least three members of the consolidated GMHB, one from each region, must have been a county or city elected official or have experience in city or county planning. After the expiration of the terms of the GMHB members who serve prior to the consolidation, no more than four members of the consolidated GMHB may be members of the same major political party. No more than two members at the time of their appointment or during their term may reside in the same county.

The members of the three regional boards who serve prior to the consolidation will complete their staggered current terms, with the reduction from nine members to seven occurring through attrition, voluntary resignation, or retirement.

Petitions for review that are filed with the consolidated board must be heard and decided by a regional three-member panel, with membership for the regional panels selected from among full membership of the consolidated GMHB. With some exceptions, a majority of the regional panel members selected to hear and decide a case must reside within the region in which the case arose. Additionally, except in cases of emergency, the presiding officer in each case must reside within the region in which the case arose.

The three regional panels are as follows:

- Central Puget Sound regional panel will decide matters pertaining to the cities and counties in King, Pierce, Snohomish, and Kitsap Counties;
- Eastern Washington regional panel will decide matters pertaining to the planning jurisdictions that are east of the crest of the Cascade Mountain Range; and
- Western Washington regional panel will decide matters pertaining to the cities and counties that are west of the crest of the Cascade Mountain Range that are not included within the Central Puget Sound region.

The consolidated GMHB must annually elect one of its members to be the administrative officer. The administrative officer is responsible for the administrative, budget, and personnel matters of the consolidated GMHB. The administrative officer is responsible for making member case assignments, subject to the consolidated GMHB's rules of procedure, for the purpose of achieving a fair and balanced workload among members.

The reports, files, records, and miscellaneous items of the three GMHBs must be delivered to the consolidated board. The consolidated GMHB office will remain in Olympia. Funds, credits, assets, and employees of the regional boards are transferred to the consolidated GMHB. Tangible property of the regional boards must be made available to the consolidated GMHB. Rules and pending business before the regional boards must be continued and acted

upon by the consolidated GMHB. The transfer of powers, duties, functions, and personnel of the regional boards to the consolidated GMHB does not affect the validity of any act performed before July 1, 2010.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The substitute bill clarifies that the members of the regional boards must have the same qualifications as the members of the consolidated board. Additionally, the substitute allows for a member of the Growth Management Hearings Board to include members who have been a city or county elected official or have experience in city or county planning.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony on Original Bill: PRO: This bill is part of the Governor's efficiency package. Consolidating the Growth Management Hearings Board (GMHB) into a seven member board will save the state a great deal of money and resources. This bill does not amend the growth management act; it simply restructures the hearings board. In order to have greater flexibility, we need statutory authority to combine and move members around. This bill will save 21 percent of the entire budget of the GHHBs. The bill can be improved by adding language to require members of the board to be confirmed by the Senate.

Persons Testifying: PRO: Nina Carter, Western Washington Growth Management Hearings Board; Dave Earling, Puget Sound Growth Management Hearings Board; Ray Paolella, Eastern Washington Growth Management Hearings Board; April Putney, Future Wise; Josh Weiss, Washington State Association of Counties.