

SENATE BILL REPORT

SB 5133

As Reported by Senate Committee On:
Governmental Operations, February 11, 2013

Title: An act relating to ensuring growth management hearings board members meet qualifications relating to land use experience.

Brief Description: Ensuring growth management hearings board members meet qualifications relating to land use experience.

Sponsors: Senator Honeyford.

Brief History:

Committee Activity: Governmental Operations: 2/05/13, 2/11/13 [DPS].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Staff: Karen Epps (786-7424)

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, GMA establishes numerous planning requirements for counties and cities obligated by mandate or choice to fully plan under GMA. It also establishes a reduced number of directives for all other counties and cities. GMA establishes the Growth Management Hearings Board (GMHB).

GMHB is comprised of three panels for the purposes of hearing and deciding cases within the following regions: central Puget Sound; eastern Washington; and western Washington. GMHB consists of seven members who are appointed for six-year terms, with at least two each residing in the geographic regions of the panels. The requirements for GMHB members are that:

- the members be qualified by experience or training in matters pertaining to land use law or land use planning;
- three of the members be admitted to practice law;
- at least three be a former city or county elected official;

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- no more than two members at the time of their appointment or during their term reside in the same county; and
- no more than four members of GMHB be from the same political party.

Each regional panel selected to hear and decide cases must consist of three board members, at least a majority of whom must reside within the region. The presiding officer of each case must reside within the region in which the case arose, except under certain circumstances. Each regional panel must:

- include one member admitted to practice law in this state;
- include one member who has been a city or county elected official; and
- reflect the political composition of the board.

These requirements may be waived under certain circumstances.

Summary of Bill (Recommended Substitute): GMHB members who are admitted to practice law must be engaged in the legal profession with a focus on land use at the time of their appointment. At least three members of the GMHB must have been an elected official or have been engaged in land use planning or land use law and have experience in the practical application of those matters.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Substitute): Establishes that three members of the GMHB must have been an elected official or someone who has been engaged in land use planning or land use law and who has experience in the practical application of those matters.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This is a common-sense bill to require the attorneys who are members of the GMHB to have experience with land use. Those in local government are already familiar with land use issues because those issues come before them quite often. Currently, an attorney that has no experience with land use can be appointed to the GMHB. This bill would add the qualification that an attorney have experience with land use.

Persons Testifying: PRO: Senator Honeyford, prime sponsor.