

HOUSE BILL REPORT

SSB 5151

As Passed House - Amended:

April 17, 2019

Title: An act relating to requiring the growth management hearings board to topically index the rulings, decisions, and orders it publishes.

Brief Description: Requiring the growth management hearings board to topically index the rulings, decisions, and orders it publishes.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Wilson, L., Becker, Honeyford, Zeiger and Short).

Brief History:

Committee Activity:

Environment & Energy: 3/12/19, 3/21/19 [DPA];

Appropriations: 4/1/19, 4/6/19 [DPA(APP w/o ENVI)].

Floor Activity:

Passed House - Amended: 4/17/19, 98-0.

Brief Summary of Substitute Bill (As Amended by House)

- Requires the director of the Environmental and Land Use Hearings Office (ELUHO) to take certain actions to ensure that timely and accurate Growth Management Hearings Board (Growth Board) rulings are made available to the public through searchable databases accessible through the ELUHO websites.
- Requires the ELUHO director to coordinate with the Growth Board, the Department of Commerce, and other interested stakeholders to develop and maintain a rational system of categorizing Growth Board rulings, decisions, and orders.
- Requires the ELUHO's website to allow a user to search Growth Board decisions and orders by topic, party, and geographic location or by natural language.
- Requires all Growth Board rulings, decisions, and orders issued before January 1, 2019, to be published by June 30, 2021.

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.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Shea, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke, Doglio, Mead, Peterson and Shewmake.

Staff: Robert Hatfield (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Environment & Energy. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

Staff: Dan Jones (786-7118).

Background:

Growth Management Hearings Board.

The Growth Management Hearings Board (Growth Board) was created pursuant to the Growth Management Act (GMA) and has the authority to hear petitions alleging noncompliance with the requirements of the GMA. The Growth Board consists of seven members qualified by experience or training in matters pertaining to land use law or land use planning and who have practical experience in those areas. All Growth Board members are appointed by the Governor. Members are appointed for six-year terms. Decisions of the Growth Board may be appealed to Superior Court.

Environmental and Land Use Hearings Office.

In 2010 the Environmental and Land Use Hearings Office (ELUHO) was created as the single administrative agency to administer the Growth Board, the Pollution Control Hearings Board, and the Shoreline Hearings Board.

Administrative Procedure Act—Indexes of Opinions.

With some exceptions, each agency shall keep on file for public inspection all final orders, decisions, and opinions in adjudicative proceedings, interpretive statements, policy statements, and any digest or index to those orders, decisions, opinions, or statements prepared by or for the agency.

Summary of Amended Bill:

The director of the ELUHO must ensure that timely and accurate Growth Board rulings, decisions, and orders are made available to the public through searchable databases accessible through the ELUHO websites. To ensure uniformity and usability of searchable

databases and websites, the director must coordinate with the Growth Board, the Department of Commerce (Commerce), and other interested stakeholders to develop and maintain a rational system of categorizing growth management hearings board rulings, decisions, and orders. The ELUHO websites must allow a user to search Growth Board decisions and orders by topic, party, and geographic location, or by natural language.

All rulings, decisions, and orders issued before January 1, 2019, must be published by June 30, 2021.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Environment & Energy):

(In support) This bill would provide a useful tool for everyone who tries to find Growth Board decisions. If a person does not know what term to search for under the current system, they are at a bit of a loss. It is good public policy to make these decisions easily findable for local governments and residents.

(Opposed) None.

(Other) The ELUHO is the overall administrative agency that manages three administrative boards: the Shoreline Management Hearings Board, the Growth Board, and the Pollution Control Hearings Board. In 2010 the Legislature merged all three boards into one office, and gave ELUHO administrative responsibility for all three. The ELUHO website has about 8,000 cases, and adds about 200 more per year. The website is currently searchable, but there are problems. There are 15 people in the whole agency, with no Information Technology (IT) staff. Information Technology support is provided by an outside vendor. The system is 10 years old and there has not been money to update it. It is currently not possible to search by natural language. There is a keyword system, but it is not very effective. Not all Growth Board decisions are posted online; some decisions are in the state archives or state records center. With regard to the fiscal note for the bill, a portion of the cost would go toward hiring an office administrator to find old Growth Board cases and upload them; the balance of the amount in the fiscal note would go toward an analysis of the current database system to determine what changes would need to be made. A report would be submitted to the Legislature with a plan of action.

Staff Summary of Public Testimony (Appropriations):

(In support) This policy would result in a Growth Management Hearings Board (GMHB) website that is actually usable, and is less reliant on exact key word searches. The bill is funded in the Senate operating budget. Growth Management Hearings Board decisions prior to 2000 are stored in archives around the state. Accessing that information would be useful

not only to see what decisions have been issued in the past, but also to ensure the same questions are not asked repeatedly in the future. This policy would result in long-term cost savings and act as a streamlining tool for all users involved.

(Opposed) None.

Persons Testifying (Environment & Energy): (In support) Senator Wilson, prime sponsor; Amber Carter, Identity Clark County; and Jan Himebaugh, Building Industry Association of Washington.

(Other) Nina Carter, Environmental and Land Use Hearings Office.

Persons Testifying (Appropriations): Amber Carter, Identity Clark County.

Persons Signed In To Testify But Not Testifying (Environment & Energy): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.