

SENATE BILL REPORT

SSB 5151

As Amended by House, 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: Local Government: 1/22/19, 1/24/19 [DPS].

Floor Activity:

Passed Senate: 2/06/19, 47-0.

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

Brief Summary of First Substitute Bill

- Requires the Growth Management Hearing Board (GMHB) to work with stakeholders to develop a rational system of indexing its decisions and orders.
- Adds a requirement that users be able to search decisions and orders on the GMHB's website by topic, party, geographic location or by natural language.
- Requires the GMHB to publish all decisions issued prior to 2019 by June 30, 2020.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford.

Staff: Bonnie Kim (786-7316)

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.

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA:

- the county legislative authority must adopt a countywide planning policy;
- the county, and the cities within the county, must designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and
- the county must designate and take other actions related to urban growth areas.

Growth Management Hearings Board. A seven-member board established under the GMA is charged with hearing and determining petitions alleging noncompliance with the GMA by state agencies, counties, or cities. Petitions that relate to whether an adopted comprehensive plan or development regulation complies with the GMA must be filed within 60 days after publication of the action. For counties, the date of publication is the date that the county publishes a notice that it has adopted the comprehensive plan or development regulations. For cities, the date of publication is the date the city publishes the ordinance adopting the comprehensive plan or development regulations.

The GMHB must issue its final decision and order within 180 days, with limited exceptions. In the final order, the GMHB must either find the agency, county, or city in compliance or not in compliance. If found not in compliance, the matter is remanded back to the agency, county, or city and it has 180 days to come into compliance.

Summary of First Substitute Bill: All published GMHB rules and decisions must be indexed by topic and party. In addition, the GMHB must publish all rulings, decisions, and orders issued prior to 2019 by December 31, 2019.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We want to make the GMHB's decisions and orders searchable so jurisdictions can find their information and use the rulings to learn from them. The Department of Commerce is not tracking the GMHB's decisions and orders. Commerce should be aware of new rulings so they can provide appropriate guidance to planning jurisdictions. Keyword searches only work if you know what words you are searching for. A topical index will help create a visual guide to the types of cases reviewed by the GMHB. The website currently lacks the decisions and orders prior to 2000.

OTHER: The website search function is not the easiest to use. One amendment suggestion is to make clear that the publish requirement can be satisfied electronically.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor; Jan Himebaugh, Building Industry Association of Washington; Amber Carter, Identity Clark County.

OTHER: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Requires the director of the Environmental and Land Use Hearings Office (ELUHO) 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 director of ELUHO 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.
- Requires all rulings, decisions, and orders issued before January 1, 2019, to be published by June 30, 2021.
- Adds a null and void clause. The bill is null and void unless funded in the budget.