

# HOUSE BILL REPORT

## E2SSB 5138

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### As Reported by House Committee On:

Ecology & Parks  
Ways & Means

**Title:** An act relating to an integrated climate change response strategy.

**Brief Description:** Creating an integrated climate change response strategy.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Ranker, Jacobsen, Shin, Kohl-Welles, Kline and Pridemore).

### Brief History:

#### Committee Activity:

Ecology & Parks: 3/20/09, 3/24/09 [DPA];  
Ways & Means: 4/4/09 [DPA(WAYS w/o EPAR)].

#### Brief Summary of Engrossed Second Substitute Bill (As Amended by House)

- Establishes a science advisory group to provide independent scientific advice to state agencies.
- Requires the Department of Ecology to compile an initial climate change response strategy by December 1, 2011.
- Requires the Department of Ecology to complete an initial climate impacts assessment report by December 1, 2012.
- Requires the Governor to designate an existing position as the single point of accountability for all energy and climate change initiatives within state agencies.
- Requires the state to develop an integrated climate change response strategy by December 1, 2013.
- Requires state agencies to strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs.
- Provides a null and void clause.

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*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.*

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## HOUSE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase, Dickerson, Dunshee, Eddy, Finn, Hudgins and Morris.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Short, Ranking Minority Member; Kretz, Kristiansen, Orcutt and Shea.

**Staff:** Jaclyn Ford (786-7339)

### **Background:**

Preparation and Adaptation Working Groups (PAWGs) were established in 2007 to assist the Department of Ecology (DOE) and the Department of Community, Trade and Economic Development (DCTED) in developing recommendations for the Governor on how Washington can prepare and adapt to the impacts of climate change.

The DOE and the Departments of Agriculture (WSDA), Health, and Natural Resources (DNR) led PAWGs that examined climate change impacts, and identified preparation and adaptation strategies and additional research needs. The PAWGs made their recommendations to the Climate Advisory Team (CAT) in December 2007, and have not been reconvened.

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### **Summary of Amended Bill:**

#### Integrated Climate Change Response Strategy.

The DOE, the Washington Department of Fish and Wildlife (WDFW), the DCTED, the WSDA, the DNR, the Washington Department of Transportation (WSDOT), and local government agencies actively engaged with climate adaptation must develop an integrated climate change response strategy by December 1, 2013, to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change.

The DOE must serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help with adaptation. The WDFW must focus on issues relating to biodiversity, resiliency, and vulnerability of the natural environment. The DCTED must focus on issues relating to business activities, energy resources, trade and tourism, affordable housing, community facilities and public infrastructure, and support services for vulnerable populations. The WSDA must focus on the impacts of regulation on agricultural lands, crops, potential offset opportunities, and the economics of farm production. The DNR must focus on the vulnerability and resiliency of forests, forest fires, and forest health. The WSDOT must focus on gathering and assessing information relating to infrastructure

projects, and vulnerability of the built environment. However, the WSDOT's obligations are subject to the availability of funds.

The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the integrated climate change response strategy should include a range of scenarios for the purposes of planning in order to assess project vulnerability and reduce expected risks and increase resiliency to the impacts of climate change.

#### Accountability.

The Governor must designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with this designee.

#### Science Advisory Group.

The science advisory group (SAG) is created and must provide independent scientific advice to state agencies.

The chair of the SAG must be a scientist with recognized expertise in a field of science essential to preparing for and adapting to climate change. The Governor must appoint the chair of the SAG; the chair serves for a term of three years.

In establishing the SAG, the DOE must request that the Washington Academy of Sciences provide a list of candidates to the chair of the SAG. The list of candidates should reflect the full range of scientific disciplines involved in climate change. The chair of the SAG may also seek advice from the scientific community to develop membership for the SAG.

#### Initial Climate Change Response Strategy.

By December 1, 2011, the DOE must compile an initial climate change response strategy, including information and data from the WDFW, the DCTED, the WSDA, the DNR, the WSDOT, and local government agencies actively engaged with climate adaptation, that: (1) summarizes the best known science on climate change impacts to Washington; (2) assesses Washington's vulnerability to identified climate change impacts; (3) prioritizes solutions that can be implemented within and across state agencies; and (4) identifies recommended funding mechanisms and technical resources for implementing solutions.

#### Initial Climate Impacts Assessment.

The DOE, in collaboration with the WDFW, the DCTED, the WSDA, the DNR, the WSDOT, and with local government agencies actively engaged with climate adaptation, must complete an initial climate impacts assessment report that includes the status of the integrated climate change response strategy and provide it to the Legislature by December 1, 2012.

#### Adaptation Plans of Action.

State agencies must strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies must consider: (1) the integrated climate change response strategy when designing, planning, and funding

infrastructure projects; and (2) incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

**Funding.**

Beginning in 2010, the Public Works Board (PWB), the Community Economic Revitalization Board (CERB), the local infrastructure financing tool, and the Transportation Improvement Board are required, when reviewing projects for the award of funds, to consider whether the applicant has adopted policies to reduce greenhouse gas (GHG) emissions. The policies must be consistent with the requirements of the state's GHG emissions limits, the state's goals to reduce annual per capita vehicle miles traveled, and federal emissions reduction requirements. The CERB must consider whether projects located in rural areas maximize a reduction of vehicle miles traveled instead of being consistent with state goals to reduce annual per capita vehicle miles traveled. The PWB and the CERB must include a description of local policies or project consistency with the state GHG emissions limitations.

If specific funding for the purposes of this act, referencing this act by bill or chapter number is not provided by June 30, 2009 in the omnibus appropriations act, this act is null and void.

**Amended Bill Compared to Original Bill:**

The amended bill:

- adds the WSDA to the list of lead agencies required to assess and gather information for the development of an integrated climate change response strategy, requires the WSDA to focus on the impacts of new regulation on agricultural lands, crops, potential offset opportunities, and the economics of farm production, and allows the WSDA to seek assistance from the SAG;
- adds the DCTED to the list of lead agencies required to assess and gather information for the development of an integrated climate change response strategy, requires the DCTED to focus on issues relating to business activities, energy resources, trade and tourism, affordable housing, community facilities and public infrastructure, and support services for vulnerable populations; and allows the DCTED to seek assistance from the SAG;
- adds that beginning in 2010, the PWB, the CERB, the local infrastructure financing tool, and the Transportation Improvement Board are required, when reviewing projects for the award of funds, to consider whether the applicant has adopted policies to reduce GHG emissions;
- directs the Governor to designate a person as the single point of accountability for all energy and climate change initiatives within state agencies and requires all agencies, councils, or work groups with energy or climate change initiatives to coordinate with this designee; and
- requires the DOE, the WDFW, the DNR, and the WSDOT to develop the comprehensive, integrated, and coordinated climate change adaptation strategy with local government agencies actively engaged with climate adaptation.

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**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 if not funded in the budget.

**Staff Summary of Public Testimony:**

(In support) Washington needs to have a long-term response to climate change. Climate change will affect Washington. This bill is an attempt to plan for how Washington responds to climate change. This bill will address how to best adapt to our vulnerability. This bill will help leverage funds for adaptation. It is important for state agencies to have a reliable source of data. This bill will allow Washington to have a more comprehensive understanding of climate change. The bill will help answer questions on how Washington must adapt to climate change. Washington needs to prepare for the future. State agencies need to continue research on how to adapt to climate change. The SAG will provide a formal venue for other organizations to be involved.

(With concerns) There is a need for state leadership on adaptation. The involvement of local agencies must be included in the bill. Local agencies have been actively engaged in the collection of information regarding adaptation.

(Neutral) This bill would allow a continuation of the CAT PAWGs, and allow the PAWGs to carry on with their work.

(Opposed) The size of the SAG is not mentioned in the bill, nor how the SAG is populated. The bill is unclear whether the SAG is independent. This bill also gives too much authority to state agencies; there is no legislative oversight.

**Persons Testifying:** (In support) Senator Rockefeller, prime sponsor; Bridget Moran, Washington Department of Fish and Wildlife; Nancy Boyd, Department of Transportation; Laura Wharton, King County Wastewater Treatment Division; Bill Robinson, The Nature Conservancy; and Joe LaTourrette, National Wildlife Federation and Ducks Unlimited.

(With concerns) Genesee Adkins, City of Seattle.

(Neutral) Spencer Reeder, Department of Ecology.

(Opposed) Ed Moats, Snohomish County Farm Bureau.

**Persons Signed In To Testify But Not Testifying:** Janet Jordan, Thurston Climate Actions; and Craig Partridge, Department of Natural Resources.

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**HOUSE COMMITTEE ON WAYS & MEANS**

**Majority Report:** Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks. Signed by 14 members: Representatives

Linville, Chair; Ericks, Vice Chair; Cody, Darneille, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Seaquist and Sullivan.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Ross and Schmick.

**Staff:** Owen Rowe (786-7391)

**Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Ecology & Parks:**

The committee amendment adds a requirement that the Governor designate a currently employed FTE to be the single point of accountability for all energy and climate change initiatives without increasing budgets or staffing levels. The science advisory group will include additional scientists associated with agriculture, forestry, and flood control. The committee amendment removes the requirement that beginning in 2010, the Public Works Board, the Community Economic Revitalization Board, the Local Infrastructure Financing Tool, and the Transportation Improvement Board, when reviewing projects for the award of funding, must consider whether the applicant has adopted policies to reduce greenhouse gas emissions.

**Appropriation:** None.

**Fiscal Note:** Preliminary 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 if not funded in the budget.

**Staff Summary of Public Testimony:**

(In support) The Department of Ecology (DOE) supports integrated climate change response and action plans. The DOE will build on work already conducted since 2007 on transportation, public health, water supply, and forest health issues. The Legislature has funded a climate impact group at the University of Washington that has provided two economic analyses that provide information on the impact of climate change to economic sectors in the state. The DOE will take the lead to collaborate and cooperate with several entities. An important part of this legislation is the direction for state agencies to work together to gather information and develop plans. The website that the DOE will manage will provide an outlet for public involvement and awareness around climate change impacts.

The Department of Fish and Wildlife does have a fiscal impact as a result of this legislation and funds were provided in the Senate budget. The federal government is working on the American Clean Energy and Security Act which addresses clean energy and climate change. The federal legislation currently has a funding mechanism for states engaged in adaptation planning. The states that have adaptation plans in place will be the first in line for federal funding.

The City of Seattle welcomes state leadership on adaptation plans. We agree that an integrated collaborative approach is the right approach. Adaptation that makes optimal use of local agencies' experience managing resources and planning to adapt to climate change will be better informed and more tailored to local environments. This legislation is designed to apply to about half a dozen cities already involved in these efforts. The fiscal impact is indeterminate because this work is already being undertaken by local jurisdictions.

The Washington State Department of Transportation (WSDOT) does have a fiscal impact. The bill requires the WSDOT, as one of the lead state agencies, to work on an integrated strategy to help government and non-governmental entities prepare for the impacts of climate change. The WSDOT will need staff to help to address the requirements in the bill.

(In support with concerns) Section 7 of this bill should be removed since Public Works Trust Fund recipients would need to show how to reduce vehicle miles traveled or greenhouse gas emissions. This proposal could reduce the ability of water and sewer districts to apply for and receive these funds.

Sections 7, 8, 9, 10, and 11 are all sections that would add criteria on the Public Works Trust Fund and the Transportation Improvement Board. Please look carefully at these sections to see if this is the right time to reduce flexibility when local jurisdictions need more flexibility than ever under current state and local budget constraints.

(Opposed) None.

**Persons Testifying:** (In support) Hedia Adelsman, Department of Ecology; Bridget Moran, Washington Department of Fish and Wildlife; Genesee Adkins, City of Seattle; and Anne Criss, Washington State Department of Transportation.

(In support with concerns) Scott Hazelgrove, Washington Association of Sewer and Water Districts; and Scott Merriman, Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.