

VETO MESSAGE ON ESSB 6580

April 1, 2008

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 7, 8, 9 and 10, Engrossed Substitute Senate Bill 6580 entitled:

"AN ACT Relating to mitigating the impacts of climate change through the growth management act."

Section 2 requires the Department of Community, Trade and Economic Development to develop advisory methods for how counties and cities can evaluate and respond to climate change. In my view, this section of the bill does not create a new mandate for local governments, and does not provide grounds for new litigation under the Growth Management Act. The section appropriately recognizes the differences between our urban and rural settings, and requires the Department to follow the recommendations of the policy committee created in Section 4 of the bill. The bill directs the committee, which will include legislators, county and city officials, tribes, state agencies, business, agriculture, forestry, land use and other interests, to develop recommendations for whether and how climate change could be addressed in the GMA. Any further action on this topic is subject to future decisions by the Legislature. In addition, Section 6 of the bill ensures that the ongoing Ruckelshaus Center process related to agriculture and land use is not affected.

Section 3 establishes a voluntary pilot global warming mitigation and adaptation program for up to three counties and up to six cities. The Department is required to provide grants and technical assistance to local governments who are addressing climate change through their land use plans. Only partial funding was provided for the pilot program -- enough for the Department to provide limited technical assistance, but not enough to provide state grant funds to the pilot jurisdictions. I ask the Department to encourage local jurisdictions that have their own resources to begin, on a voluntary basis, to address the role of land use and transportation planning in mitigating climate change. However, given the state's budget forecast, I strongly believe that additional state funding for the pilots will not be available next biennium.

Section 7 is an emergency clause to allow the bill to take effect immediately. An emergency clause is to be used where it

is necessary for the immediate preservation of the public peace, health or safety or whenever it is essential for the support of state government. The clause would allow the Department to promptly convene a committee and begin work on a report due later this year. However, there was no supplemental funding provided to implement the bill in fiscal year 2008. As a result, the emergency clause is not needed.

Section 8 would declare this act null and void if funding were not provided specifically for Section 2 of the bill (advisory methods) in the omnibus appropriations act. Section 9 would declare this act null and void if funding were not provided specifically for Section 3 of the bill (pilot program) in the omnibus appropriations act. Section 10 of the bill would declare this act null and void if funding were not provided specifically for this measure in the omnibus appropriations act. Funding for this bill, including Sections 2 and 3, was included in the omnibus appropriations act. As a result, the null and void clauses are not needed.

For these reasons, I have vetoed Sections 7, 8, 9 and 10 of Engrossed Substitute Senate Bill 6580.

With the exception of Sections 7, 8, 9 and 10, Engrossed Substitute Senate Bill 6580 is approved.

Respectfully submitted,  
Christine O. Gregoire  
Governor