

HOUSE BILL REPORT

ESSB 6574

As Reported by House Committee On: Environment & Energy

Title: An act relating to clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.

Brief Description: Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Takko and Short; by request of Office of the Governor).

Brief History:

Committee Activity:

Environment & Energy: 2/24/20, 2/27/20 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by Committee)**

- Changes the size of the Growth Management Hearings Board (GMHB) from seven members to five members.
- Modifies the duties of the Chair of the GMHB and of the Director of the Environmental Land Use Hearings Office.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke, Doglio, Fey, Goehner, Mead, Robinson and Shewmake.

Staff: Robert Hatfield (786-7117).

Background:

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.

Environmental and Land Use Hearings Office.

The Environmental and Land Use Hearings Office (ELUHO) is the administrative agency that administers the Growth Management Hearings Board (GMHB), the Pollution Control Hearings Board, and the Shoreline Hearings Board.

Growth Management Hearings Board.

The GMHB 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 GMHB 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 GMHB members are appointed by the Governor. Members are appointed for six-year terms. Decisions of the GMHB may be appealed to superior court.

Summary of Amended Bill:

Growth Management Hearings Board.

The size of the Growth Management Hearings Board (GMHB) is changed from seven members to five members. Three members, all of whom must be admitted to practice law in Washington, are appointed by the Governor, one from the central Puget Sound region, one from Eastern Washington, and one from Western Washington. At least two members of the GMHB shall have been a city or county elected official, one each residing in Eastern Washington and Western Washington. No more than three members of the GMHB may be members of the same political party. The GMHB members operate on a full-time basis, receive an annual salary to be determined by the Governor, receive reimbursement for travel expenses incurred in the discharge of their GMHB duties, and are considered employees of the State of Washington.

The principal office of the GMHB must be located in Thurston County, but the GMHB may hold hearings at any other place in the state.

The GMHB must annually elect one of its members to be the Chair. The Chair must be an attorney. The duties of the Chair include developing GMHB procedures, managing GMHB meetings, and assigning cases.

Environmental and Land Use Hearings Office.

The Governor must appoint a Director of the Environmental and Land Use Hearings Office (ELUHO). The Director of the ELUHO may appoint administrative law judges in cases before the Shoreline Hearings Board, the Pollution Control Hearings Board, and the GMHB. The ELUHO is responsible for all administrative functions pertaining to the GMHB except for developing GMHB procedures, managing GMHB meetings, and assigning GMHB cases.

Amended Bill Compared to Engrossed Substitute Bill:

A requirement is added that the Chair of the Growth Management Hearings Board (GMHB) must be an attorney. The Chair of the GMHB is responsible for GMHB case assignments.

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.

Staff Summary of Public Testimony:

(In support) This is a policy-neutral bill that is just trying to make the Growth Management Hearings Board (GMHB) a little more efficient.

There is support for this bill. One suggestion that would improve the bill would be to provide that one of the non-attorney members of the GMHB be a certified land-use planner.

(Opposed) None.

Persons Testifying: Senator Takko, prime sponsor; and Holly Gadbaw, Futurewise and American Planning Association Washington Chapter.

Persons Signed In To Testify But Not Testifying: None.