

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6580

Chapter 289, Laws of 2008

(partial veto)

60th Legislature
2008 Regular Session

CLIMATE CHANGE--MITIGATION

EFFECTIVE DATE: 06/12/08

Passed by the Senate March 10, 2008
YEAS 30 NAYS 18

BRAD OWEN

President of the Senate

Passed by the House March 7, 2008
YEAS 58 NAYS 35

FRANK CHOPP

Speaker of the House of Representatives

Approved April 1, 2008, 2:39 p.m., with
the exception of sections 7, 8, 9 and
10 which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 6580** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 2, 2008

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6580

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice, and McDermott)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to mitigating the impacts of climate change through
2 the growth management act; amending RCW 36.70A.280; adding a new
3 section to chapter 36.70A RCW; creating new sections; providing
4 expiration dates; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
7 implications of a changed climate will affect the people, institutions,
8 and economies of Washington. The legislature also recognizes that it
9 is in the public interest to reduce the state's dependence upon foreign
10 sources of carbon fuels that do not promote energy independence or the
11 economic strength of the state. The legislature finds that the state,
12 including its counties, cities, and residents, must engage in
13 activities that reduce greenhouse gas emissions and dependence upon
14 foreign oil.

15 (2) The legislature further recognizes that: (a) Patterns of land
16 use development influence transportation-related greenhouse gas
17 emissions and the need for foreign oil; (b) fossil fuel-based
18 transportation is the largest source of greenhouse gas emissions in

1 Washington; and (c) the state and its residents will not achieve
2 emission reductions established in RCW 80.80.020 without a significant
3 decrease in transportation emissions.

4 (3) The legislature, therefore, finds that it is in the public
5 interest of the state to provide appropriate legal authority, where
6 required, and to aid in the development of policies, practices, and
7 methodologies that may assist counties and cities in addressing
8 challenges associated with greenhouse gas emissions and our state's
9 dependence upon foreign oil.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
11 to read as follows:

12 (1) The department must develop and provide to counties and cities
13 a range of advisory climate change response methodologies, a computer
14 modeling program, and estimates of greenhouse gas emission reductions
15 resulting from specific measures. The advisory methodologies, computer
16 modeling program, and estimates must reflect regional and local
17 variations and the diversity of counties and cities planning under RCW
18 36.70A.040. Advisory methodologies, the computer modeling program,
19 estimates, and guidance developed under this section must be consistent
20 with recommendations developed by the advisory policy committee
21 established in section 4 of this act.

22 (2) The department, in complying with this section, must work with
23 the department of transportation on reductions of vehicle miles
24 traveled through efforts associated with, and independent of, the
25 process directed by RCW 47.01.--- (section 8, chapter . . . (E2SHB
26 2815)), Laws of 2008.

27 (3) The department must complete and make available the advisory
28 climate change response methodologies, computer program, and estimates
29 required by this section by December 1, 2009. The advisory climate
30 change response methodologies, computer program, and estimates must be
31 updated two years before each completion date established in RCW
32 36.70A.130(4)(a).

33 (4) This section expires January 1, 2011.

34 NEW SECTION. **Sec. 3.** (1) A local government global warming
35 mitigation and adaptation program is established. The program must be
36 administered by the department of community, trade, and economic

1 development and must conclude by June 30, 2010. The department must,
2 through a competitive process, select three or fewer counties and six
3 or fewer cities for the program. Counties selected must reflect a
4 range of opportunities to address climate change in urbanizing,
5 resource, or agricultural areas. Cities selected must reflect a range
6 of sizes, geographic locations, and variations between those that are
7 highly urbanized and those that are less so that have more residential
8 dwellings than employment positions.

9 (2) The program is established to assist the selected counties and
10 cities that: (a) Are addressing climate change through their land use
11 and transportation planning processes; and (b) aspire to address
12 climate change through their land use and transportation planning
13 processes, but lack necessary resources to do so. The department of
14 community, trade, and economic development may fund proposals to
15 inventory and mitigate global warming emissions, or adapt to the
16 adverse impacts of global warming, using criteria it develops to
17 accomplish the objectives of this section and sections 2 and 4 of this
18 act.

19 (3) The department of community, trade, and economic development
20 must provide grants and technical assistance to aid the selected
21 counties and cities in their efforts to anticipate, mitigate, and adapt
22 to global warming and its associated problems. The department, in
23 providing grants and technical assistance, must ensure that grants and
24 assistance are awarded to counties and cities meeting the criteria
25 established in subsection (2)(a) and (b) of this section.

26 (4) The department of community, trade, and economic development
27 must provide a report of program findings and recommendations to the
28 governor and the appropriate committees of the house of representatives
29 and the senate by January 1, 2011. The report must also consider the
30 positive and negative impacts to affordable housing, employment,
31 transportation costs, and economic development that result from
32 addressing the impacts of climate change at the local level.

33 (5) This section expires January 1, 2011.

34 NEW SECTION. **Sec. 4.** (1)(a) With the use of funds provided by
35 specific appropriation, the department must prepare a report that
36 includes:

1 (i) Descriptions of actions counties and cities are taking to
2 address climate change issues. The department must use readily
3 available information when completing the requirements of this
4 subsection (1)(a)(i);

5 (ii) Recommendations of changes, if any, to chapter 36.70A RCW and
6 other relevant statutes that would enable state and local governments
7 to address climate change issues and the need to reduce dependence upon
8 foreign oil through land use and transportation planning processes;

9 (iii) Descriptions of existing and potential computer modeling and
10 other analytic and assessment tools that could be used by counties and
11 cities in addressing their proprietary and regulatory activities to
12 reduce greenhouse gas emissions and/or dependence upon foreign oil;

13 (iv) Considerations of positive and negative impacts to affordable
14 housing, employment, transportation costs, and economic development
15 that result from addressing the impacts of climate change at the local
16 level;

17 (v) Assessments of state and local resources, financial and
18 otherwise, needed to fully implement recommendations resulting from and
19 associated with (a)(ii) and (iii) of this subsection; and

20 (vi) Recommendations for additional funding to implement the
21 recommendations resulting from (a)(ii) of this subsection.

22 (b) The department must submit the report required by this section
23 to the governor and the appropriate committees of the house of
24 representatives and the senate by December 1, 2008.

25 (2)(a) In preparing the report required by this section, the
26 department must convene an advisory policy committee, with members as
27 provided in this subsection.

28 (i) The speaker of the house of representatives must appoint one
29 member from each of the two largest caucuses of the house of
30 representatives.

31 (ii) The president of the senate must appoint one member from each
32 of the two largest caucuses of the senate.

33 (iii) Three elected official members representing counties and five
34 elected official members representing cities. Members appointed under
35 this subsection (2)(a)(iii) must represent each of the jurisdictional
36 areas of growth management hearings boards and must be appointed by
37 state associations representing counties and cities.

1 (iv) One member representing tribal governments, appointed by the
2 governor.

3 (b) Recommendations produced by the department under this section
4 must be approved by a majority of the voting members of the advisory
5 policy committee.

6 (c) The advisory policy committee must have the following nonvoting
7 ex officio members:

8 (i) One member representing the office of the governor;
9 (ii) One member representing an association of builders;
10 (iii) One member representing an association of real estate
11 professionals;
12 (iv) One member representing an association of local government
13 planners;
14 (v) One member representing an association of agricultural
15 interests;
16 (vi) One member representing a nonprofit entity with experience in
17 growth management and land use planning issues;
18 (vii) One member representing a statewide business association;
19 (viii) One member representing a nonprofit entity with experience
20 in climate change issues;
21 (ix) One member representing a nonprofit entity with experience in
22 mobility and transportation issues;
23 (x) One member representing an association of office and industrial
24 properties;
25 (xi) One member representing an association of architects; and
26 (xii) One member representing an association of commercial forestry
27 interests.

28 (d)(i) The department, in preparing the report and presenting
29 information and recommendations to the advisory policy committee, must
30 convene a technical support team, with members as provided in this
31 subsection.

32 (A) The department of ecology must appoint one member representing
33 the department of ecology.

34 (B) The department must appoint one member representing the
35 department.

36 (C) The department of transportation must appoint one member
37 representing the department of transportation.

1 (ii) The department, in complying with this subsection (2)(d), must
2 consult with the professional staffs of counties and cities or their
3 state associations, and regional transportation planning organizations
4 and must solicit assistance from these staffs in developing materials
5 and options for consideration by the advisory policy committee.

6 (3) Nominations for organizations represented in subsection (2) of
7 this section must be submitted to the department by April 15, 2008.

8 (4) For purposes of this section, "department" means the department
9 of community, trade, and economic development.

10 (5) This section expires December 31, 2008.

11 **Sec. 5.** RCW 36.70A.280 and 2003 c 332 s 2 are each amended to read
12 as follows:

13 (1) A growth management hearings board shall hear and determine
14 only those petitions alleging either:

15 (a) That, except as provided otherwise by this subsection, a state
16 agency, county, or city planning under this chapter is not in
17 compliance with the requirements of this chapter, chapter 90.58 RCW as
18 it relates to the adoption of shoreline master programs or amendments
19 thereto, or chapter 43.21C RCW as it relates to plans, development
20 regulations, or amendments, adopted under RCW 36.70A.040 or chapter
21 90.58 RCW. Nothing in this subsection authorizes a board to hear
22 petitions alleging noncompliance with section 3 of this act; or

23 (b) That the twenty-year growth management planning population
24 projections adopted by the office of financial management pursuant to
25 RCW 43.62.035 should be adjusted.

26 (2) A petition may be filed only by: (a) The state, or a county or
27 city that plans under this chapter; (b) a person who has participated
28 orally or in writing before the county or city regarding the matter on
29 which a review is being requested; (c) a person who is certified by the
30 governor within sixty days of filing the request with the board; or (d)
31 a person qualified pursuant to RCW 34.05.530.

32 (3) For purposes of this section "person" means any individual,
33 partnership, corporation, association, state agency, governmental
34 subdivision or unit thereof, or public or private organization or
35 entity of any character.

36 (4) To establish participation standing under subsection (2)(b) of

1 this section, a person must show that his or her participation before
2 the county or city was reasonably related to the person's issue as
3 presented to the board.

4 (5) When considering a possible adjustment to a growth management
5 planning population projection prepared by the office of financial
6 management, a board shall consider the implications of any such
7 adjustment to the population forecast for the entire state.

8 The rationale for any adjustment that is adopted by a board must be
9 documented and filed with the office of financial management within ten
10 working days after adoption.

11 If adjusted by a board, a county growth management planning
12 population projection shall only be used for the planning purposes set
13 forth in this chapter and shall be known as a "board adjusted
14 population projection". None of these changes shall affect the
15 official state and county population forecasts prepared by the office
16 of financial management, which shall continue to be used for state
17 budget and planning purposes.

18 NEW SECTION. **Sec. 6.** This act is not intended to amend or affect
19 chapter 353, Laws of 2007.

20 ***NEW SECTION.** **Sec. 7.** *This act is necessary for the immediate*
21 *preservation of the public peace, health, or safety, or support of the*
22 *state government and its existing public institutions, and takes effect*
23 *immediately.*

**Sec. 7 was vetoed. See message at end of chapter.*

24 ***NEW SECTION.** **Sec. 8.** *If specific funding for the purposes of*
25 *section 2 of this act, referencing section 2 of this act by bill or*
26 *chapter number and section number, is not provided by June 30, 2008, in*
27 *the omnibus appropriations act, section 2 of this act is null and void.*

**Sec. 8 was vetoed. See message at end of chapter.*

28 ***NEW SECTION.** **Sec. 9.** *If specific funding for the purposes of*
29 *section 3 of this act, referencing section 3 of this act by bill or*
30 *chapter number and section number, is not provided by June 30, 2008, in*
31 *the omnibus appropriations act, section 3 of this act is null and void.*

**Sec. 9 was vetoed. See message at end of chapter.*

32 ***NEW SECTION.** **Sec. 10.** *If specific funding for the purposes of*

1 **this act, referencing this act by bill or chapter number, is not**
2 **provided by June 30, 2008, in the omnibus appropriations act, this act**
3 **is null and void.**

**Sec. 10 was vetoed. See message at end of chapter.*

Passed by the Senate March 10, 2008.

Passed by the House March 7, 2008.

Approved by the Governor April 1, 2008, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 2, 2008.

Note: Governor's explanation of partial veto is as follows:

"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."