

HOUSE BILL REPORT

SSB 5748

As Reported by House Committee On: Capital Budget

Title: An act relating to creating an account to support necessary infrastructure nearby military installations.

Brief Description: Creating an account to support necessary infrastructure nearby military installations.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Conway, O'Ban, Frockt, Rolfes, Randall and Zeiger).

Brief History:

Committee Activity:

Capital Budget: 4/4/19, 4/5/19 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Creates the Defense Community Compatibility Account and specifies how grants to local governments from the account may be used to reduce development conflicts with military installations.

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: Do pass as amended. Signed by 19 members: Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Callan, Corry, Davis, Dye, Eslick, Gildon, Leavitt, Lekanoff, Morgan, Riccelli, Santos, Sells and Stonier.

Minority Report: Do not pass. Signed by 1 member: Representative Walsh.

Staff: Steve Masse (786-7115).

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.

The Growth Management Act. The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. Under the GMA, local government comprehensive plans and development regulations are discouraged, but not prohibited, from allowing development in the vicinity of a military installation that is incompatible with the installation's mission requirements.

As part of the land use element, GMA planning jurisdictions containing or adjacent to certain federal military installations operated by the United States Department of Defense (DOD) must notify the commander of the military installation of an intent to amend comprehensive plans or development regulations to address lands adjacent to the military installation. This requirement does not apply to reserve centers or facilities employing fewer than 100 personnel. The purpose of this notification is to protect the land from incompatible development.

Joint Land Use Studies. The DOD implements a program to ensure that community development and economic growth do not interfere with the military's ability to test and train. One facet of this program may include targeting a military installation for a joint land use study (JLUS), in coordination with state or local governments. A JLUS includes a strategic plan to ensure civilian growth and development are compatible with training, testing, and other military missions. State or local governments must apply to DOD to receive assistance in carrying out a JLUS.

The 2016 Supplemental Operating Budget directed the Department of Commerce (Commerce) to complete a study addressing best practices for avoiding incompatible development near military installations.

Base Realignment and Closure. Base Realignment and Closure (BRAC) is a process the DOD has used to reorganize its base structure to more efficiently and effectively support its forces, increase operational readiness, and facilitate new ways of accomplishing its mission. More than 350 installations have been closed in five BRAC rounds: 1988, 1991, 1993, 1995 and 2005. No BRAC commission process is ongoing or authorized.

Summary of Amended Bill:

The Defense Community Compatibility Account is created in the state treasury. Subject to the availability of funding, Commerce may award grants to local governments for:

- the acquisition of real property or real property interests to eliminate an existing incompatible use;
- projects to jointly assist in recovering or protecting endangered species dependent on military installation property for habitat;
- local infrastructure or facilities necessary to help a community accommodate an expanded military presence in their community;
- projects or programs to increase the availability of affordable housing to enlisted military personnel; and

- projects to retrofit existing uses to increase their compatibility with existing military operations.

Commerce may expend funds for projects identified by applicants to address incompatible development connected to Washington state military installations.

Grants may only be awarded for projects prioritized by Commerce. Commerce will give priority to local governments whose applications are accompanied by expressed support of partners, including nonprofit community or neighborhood based organizations, public development authorities, or federally recognized Indian tribes.

Commerce must produce a report with a prioritized list of projects to address incompatible developments near military installations by January 1, 2020, and every two years thereafter. Projects must be prioritized with consideration to:

- recommendations of the DOD BRAC, JLUS, or other federally initiated land use processes; and
- whether a branch of the United States Armed Forces has identified the project as increasing the viability of military installations.

Amended Bill Compared to Substitute Bill:

The amended bill:

- creates the Defense Community Compatibility Account;
- removes the requirement for an appropriation from the account;
- "community" is added to partners that are given priority to for grant applications;
- "project" is added to criteria that both federal and applicant funds must be committed to;
- federal matching requirement is removed;
- requires a project application to be eligible for funding;
- changes the purposes of expenditure of funds to projects identified by applicants to address incompatible development connected to military installations;
- defines incompatible development to include land development and military operations that impact the economy, environment, or quality of life for local communities;
- operations is included with military installations for impacts to the community to be used for ranking projects; and
- adds the House of Representatives Capital Budget Committee to entities Commerce must submit a biennial report to.

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 an agreed upon piece of legislation that will leverage federal funds with state and local funds to deal with concerns about encroachment of military installations. It will improve infrastructure, utilities, and schools in the vicinity of a military base. There are 19 other states that have this program. The state already provides funding for some of these issues and there is no real process. The projects will be ranked, and there will be a comment period before the Legislature sees them. The grants can be used for assisting with property and logistics.

(Opposed) None.

Persons Testifying: Representative Leavitt; Shelly Holder, South Sound Military and Communities Partnership; and Bill Clarke, Trust for Public Land.

Persons Signed In To Testify But Not Testifying: None.