

SENATE BILL REPORT

E2SHB 1181

As of March 13, 2023

Title: An act relating to improving the state's climate response through updates to the state's planning framework.

Brief Description: Improving the state's response to climate change by updating the state's planning framework.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger; by request of Office of the Governor).

Brief History: Passed House: 3/3/23, 57-41.

Committee Activity: Local Government, Land Use & Tribal Affairs: 3/14/23.

Brief Summary of Bill

- Adds a goal of climate change and resiliency to the listed goals of the Growth Management Act (GMA).
- Adds a climate change and resiliency element to the list of elements that must be included within the comprehensive plans that certain counties and cities must adopt under the GMA.
- Requires certain counties and cities to address the adverse impacts of climate change on people, property, and ecological systems, and identify actions the jurisdiction will take to reduce greenhouse gas emissions (GHG) and vehicle miles traveled (VMT) under the climate change and resiliency element of their comprehensive plan.
- Specifies the process by which the GHG emissions reduction subelement of the climate change and resiliency element takes effect.
- Requires the Department of Commerce to adopt guidance that creates a model climate change and resiliency element, and to publish guidelines

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that specify a set of actions counties and cities have available to them to take related to GHG emissions reductions and per capita VMT reductions.

- Requires the Department of Ecology to update its Shoreline Master Program guidelines to address the impact of sea level rise and increased storm severity.
- Adds consideration of climate change impacts to the list of elements that must be contained in optional comprehensive flood control management plans.
- Adds requirements for a climate resiliency element for certain water system plans.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

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Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes referred to as "fully planning" under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must contain certain required elements, including a transportation element, a land use element, and a capital facilities plan element, among others. In developing their comprehensive plans, counties and cities must consider various goals set forth in statute, including urban growth, housing, and economic development.

Growth Management Act—Comprehensive Plan Updates. Counties and cities are required to review and, if needed, revise their comprehensive plans and development regulations every ten years. Counties, and the cities within them, are grouped into four different year classes for purposes of when the obligation to review and revise their comprehensive plans commence. The next round of required comprehensive plan updates begins with King, Kitsap, Snohomish, and Pierce counties, and the cities within those counties, in 2024.

Implementation Progress Report. Counties and cities planning under the GMA that meet certain population criteria must provide the Department of Commerce (Commerce) with an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. If a city or county has not implemented any specifically actions identified most recent update to their comprehensive plan, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

Greenhouse Gas Emissions and Per Capita Vehicle Miles Traveled Reductions. Washington first enacted legislation in 2008 set a series of limits on the emission of greenhouse gases (GHGs) within the state. Those limits were modified by legislation enacted in 2020, such that Washington must limit anthropogenic emissions of GHGs to achieve the following reductions for the state:

- by 2020, reduce overall emissions of GHGs to 1990 levels, or 90.5 million metric tons;
- by 2030, reduce overall emissions of GHGs to 45 percent below 1990 levels, or 50 million metric tons;
- by 2040, reduce overall emissions of GHGs to 70 percent below 1990 levels, or 27 million metric tons; and
- by 2050, reduce overall emissions of GHGs to 95 percent below 1990 levels, or 5 million metric tons, and achieve net-zero GHG emissions.

The legislation enacted in 2008 also required the Washington State Department of Transportation (WSDOT) to adopt statewide goals to reduce annual per capita vehicle miles traveled by 2050. Using a statewide baseline of 75 billion vehicle miles traveled (VMT), Washington must achieve the following reductions for the state:

- by 2020, reduce the annual per capita VMT by 18 percent;
- by 2035, reduce the annual per capita VMT by 30 percent; and
- by 2050, reduce the annual per capita VMT by 50 percent.

Environmental Justice. Legislation enacted in 2021 defined environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with the respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.

State Environmental Policy Act. The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may

result from governmental decisions, such as the issuance of permits or the adoption of land-use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement.

Comprehensive Flood Control Management Plans. Counties may adopt comprehensive flood control management plans for any drainage basin that is located wholly or partially within the county. Whenever any river flows through two counties, the counties may contract with each other for purposes of flood control and settling disputes regarding flood control.

Shoreline Master Programs. The Shoreline Management Act (SMA) involves a cooperative regulatory approach between local governments and the state. The Department of Ecology (Ecology) and local governments are authorized to adopt necessary and appropriate rules for implementing the provisions of the SMA. At the local level, SMA regulations are developed in local Shoreline Master Programs. All counties and cities with shorelines of the state are required to adopt Shoreline Master Programs that regulate land-use activities in shoreline areas of the state.

Office of Drinking Water. The Department of Health, Office of Drinking Water (ODW) is responsible for ensuring public water systems provide their customers an adequate and safe drinking water supply at all times. When necessary, ODW acts or directs water system owners and operators to resolve known or suspected public health threats.

ODW also administers state Board of Health and Department of Health (DOH) rules that cover the operation of public water systems. ODW has authority to adopt rules necessary to protect public health by ensuring safe and reliable drinking water. The rules set drinking water standards and requirements for monitoring, reporting, and responding to emergencies.

Water System Plans. The Board of Health is required to adopt rules for group A public water systems, necessary to assure safe and reliable public drinking water, and to protect public health, including rules relating to public water system planning and emergency response requirements.

A community water system designated as group A—those public water systems serving 15 or more year-round service connections, or 25 or more year-round residents—must submit a water system plan, or plan update, to DOH for approval if it meets certain conditions, such as those systems serving 1000 or more connections, making infrastructure changes, or expanding their service area.

Water system plans must address several elements, including:

- description of the water system;

- basic planning data;
- demand forecasts;
- system analysis;
- water resource analysis; and
- other plans and documents.

Summary of Bill: Goals of the Growth Management Act—Climate Change. The issue of climate change and resiliency is added as a goal of the GMA. Under the climate change and resiliency goal, comprehensive plans, development regulations, and regional plans must support reductions in GHG emissions and per capita VMT; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

Growth Management Act—Elements of Comprehensive Plans. The land use element must designate the general distribution and location of green spaces and urban and community forests within the urban growth area (UGA). The land use element of comprehensive plans must give special consideration to achieving environmental justice in its goals and policies, and must avoid creating or worsening environmental health disparities. The land use element must also reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, reducing wildfire risks to residential development in high-risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protect existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

A capital facilities plan element must include an inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities. A parks and recreation element must include an evaluation of tree canopy coverage within the UGA.

A utilities element must consist of the general location, proposed location, and capacity of all existing and proposed utilities, including components of drinking water, stormwater, wastewater, and telecommunications systems. A county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include such information. If, after good faith effort, the county or city is unable to gather the information required from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under the GMA.

A transportation element must include, as one of its subelements, estimated multimodal level of service impacts to state-owned transportation facilities. The forecasts of traffic demand contained within the transportation element of comprehensive plans must address forecasts of multimodal transportation demands and needs within cities and urban growth areas, and forecasts of multimodal transportation demands and needs outside of cities and

urban growth areas, to inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility.

A facilities and services needs subelement of the transportation element must include a transition plan for transportation required in Title II of the Americans with Disabilities Act (ADA) of 1990. As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA. The agencies are required to develop a program access plan to address any deficiencies. The plan is intended to achieve the following:

- identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;
- describe the methods to be used to make the facilities accessible;
- provide a schedule for making the access modifications; and
- identify the public officials responsible for implementation of the transition plan.

A development approval may not be denied for causing the level of service on a locally owned, or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

Growth Management Act—Climate Change and Resiliency Element. Comprehensive plans must include a climate change and resiliency element. The element must be designed to result in reductions in overall GHG emissions and must enhance resiliency to, and avoid the adverse impacts of climate change. The climate change and resiliency element is divided into two subelements: a GHG emissions reduction subelement, and a resiliency subelement.

The GHG emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by Commerce that will:

- result in reductions in overall GHG emissions generated by the transportation and land use systems within the jurisdiction but without increasing emissions elsewhere in the state;
- result in reductions in VMT within the jurisdiction but without increasing emissions elsewhere in the state; and
- prioritize reductions that benefit overburdened communities in order to maximize the co-benefits of reduced air pollution and environmental justice.

Actions not specifically identified in the guidelines published by Commerce may be considered to be consistent with those guidelines only if they are projected to achieve GHG emissions reductions or VMT reductions equivalent to what would be required of the jurisdiction under Commerce's guidelines, and they are supported by scientifically credible projections. A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements of the subelement.

The resiliency subelement must, among other things, equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios. The resiliency subelement must prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts, and will be most impacted by natural hazards due to climate change.

Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

- identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;
- identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors that support adaptation to climate impacts consistent with environmental justice; and
- address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

A federal emergency management agency (FEMA) natural hazard mitigation plan or similar plan that complies with the applicable requirements of the GMA, prioritizes actions that benefit overburdened communities, and complies with the resiliency subelement may be adopted by reference to satisfy those requirements. If any of the substantive requirements of the subelement are not addressed or are inadequately addressed in the hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of the subelement.

If a county or city intends to adopt by reference a FEMA natural hazard mitigation plan to meet all or part of the resiliency subelement, and the plan does not comply with the requirements of the subelement, Commerce may grant the county or city an extension to submit a natural hazard mitigation plan. Eligibility for an extension is limited to a city or county required to review its comprehensive plan on or before June 30, 2025, or for a city or county with an existing, unexpired FEMA natural hazard mitigation plan scheduled to expire before December 31, 2024. Extension requests after July 1, 2027, may be granted under certain conditions.

A city or county that wishes to request an extension to meet the requirements of the subelement must submit a request in writing to Commerce no later than the date in which the jurisdiction is required to review its comprehensive plan. A city or county may have an additional 48 months to either adopt by reference an updated FEMA natural hazard mitigation plan or adopt its own natural hazard mitigation plan and submit the plan to Commerce.

Applicability of Provisions of the Bill. The requirements of the GHG emissions reduction subelement of the climate change and resiliency element apply only to those counties that are required or that choose to plan fully under the GMA, and the cities within them with a population greater than 6000, that meet either of the following criteria as of April 1, 2021:

- a county with a population density of at least 100 people per square mile and a population of at least 200,000;
- a county bordering on the Columbia and Snake rivers with a population density of at least 75 people per square mile and an annual growth rate of at least 1.65 percent; or
- a county located to the west of the crest of the Cascade mountains with a population of at least 130,000.

Once a county meets either of the sets of criteria described above, the requirement to conform with the GHG emissions reduction subelement of the climate change and resiliency element remains in effect, even if the county no longer meets one of these sets of criteria.

The resiliency subelement is mandatory for all counties and cities fully planning under the GMA, and is encouraged for all other jurisdictions.

The requirements of the amendments to the transportation element of comprehensive plans apply to the counties and cities required to comply with the GHG emissions reduction subelement, as well as all cities planning fully under the GMA that have a population greater than 6000.

The requirements of the amendments to the land use element of comprehensive plans apply to all counties and cities required to comply with the amendments to the transportation element, as well as all counties planning fully under the GMA that have a population greater than 20,000.

Any county or city required to include a climate change and resiliency element and the GHG emissions reduction subelement, and is required to review, and if necessary, revise its comprehensive plan on or before December 31, 2024, must incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report.

Greenhouse Gas Emissions Reduction and Vehicle Miles Traveled Reduction Guidelines. Commerce, in consultation with Ecology, DOH, and WSDOT, must publish guidelines that

specify a set of measures that counties and cities may implement via updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within UGAs or reduce GHG emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs.

The guidelines must prioritize measures that benefit overburdened communities, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from DOH to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed consistent with an environmental justice assessment, and must include an environmental justice assessment process.

The guidelines must be based on the most recent GHG emissions report prepared by Ecology and Commerce, the most recent city and county population estimates prepared by the Office of Financial Management (OFM), the locations of major employment centers and transit corridors for the purposes of increasing housing supply in these areas, and available environmental justice data and data regarding access to public transportation for people with disabilities and for vulnerable populations.

Commerce, in consultation with WSDOT, must also publish guidelines that specify a set of measures that counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita VMT.

The guidelines must be based on the most recent GHG emissions report prepared by Ecology and Commerce, the most recent city and county population estimates prepared by OFM, and the most recent summary of per capita VMT compiled by WSDOT. The measures must be designed to be achievable throughout the state, including in small cities and rural cities. Commerce must publish the full set of GHG emissions reduction and VMT reduction guidelines no later than December 31, 2025.

Commerce must update the guidelines at least every five years based on the most recently available data, and must provide a process for local governments and other interested parties to submit alternative actions for possible inclusion into the guidelines at least once per year. Commerce must publish an intermediate set of guidelines no later than December 31, 2023, for use by local governments whose comprehensive plan updates are required to occur prior to December 31, 2025.

In any updates to the guidelines published after 2025, Commerce must include an evaluation of the impact that locally adopted climate change and resiliency elements have had on local GHG emissions and per capita VMT reduction goals. The evaluation must also address the impact locally adopted GHG emissions reduction subelements have had on meeting local housing goals and targets. Commerce must provide and prioritize options that

support increased housing supply and diversity of housing types and that assist counties and cities in meeting GHG emissions reduction and other requirements established by the bill.

Commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to VMT, as well as any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

Greenhouse Gas Emissions Reduction—Process for Adoption. A county or city required to complete the GHG emissions reduction subelement may submit the subelement to Commerce for approval, and it becomes effective when approved by Commerce. If a county or city does not seek Commerce's approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

Not less than 120 days prior to applying for approval of a subelement, the county or city must notify Commerce in writing that it intends to apply for approval. Commerce must review the proposed subelements prior to final adoption and advise the county or city of actions necessary to receive approval. Commerce may consult with other relevant state agencies in making its determination, and must publish notice in the Washington State Register that a city or county has notified Commerce of its intent to apply for approval. Commerce must also post a copy of the notice on its public website.

After taking final action to adopt a GHG emissions reduction subelement, a city or county may apply to Commerce for approval of the subelement. The jurisdiction must submit its application to Commerce within ten days of taking final action. An application for approval must include, at minimum, the following:

- a cover letter from the legislative authority requesting approval;
- a copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the GHG emissions reduction subelement;
- a statement explaining how the adopted subelement complies with the provisions of the GMA; and
- a copy of the record developed by the city or county at any public meetings or public hearings at which action was taken on the GHG emissions reduction subelement.

Commerce must strive to achieve final action to approve or deny an application within 180 days of the date of receipt of the application. Commerce must issue its decision in a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision. Commerce's issue decision must plainly state that it is Commerce's final decision and there will be no further modifications to the proposed GHG emissions reduction subelement.

Commerce must promptly make public its decision on the application for approval as follows:

- notify the city or county in writing of its determination;

- public a notice of action in the Washington State Register;
- post a notice of its decision on the agency website; and
- notify other relevant state agencies regarding the approval decision.

Commerce must approve a GHG emissions reduction subelement unless it determines that the proposed subelement is not consistent with the mandatory elements of the GMA or the applicable guidelines.

Greenhouse Gas Emissions Reduction—Appeals. Commerce's final decision to approve or reject a proposed GHG emissions reduction subelement or amendment may be appealed to the Growth Management Hearings Board (GMHB). GMHB's decision concerning an appeal of Commerce's final decision to approve or reject a proposed GHG emissions reduction subelement or amendment must be based solely on whether the adopted or amended GHG emissions reduction subelement complies with the guidelines adopted by Commerce related to GHG emissions reductions and VMT reductions.

Model Climate Change and Resiliency Element. Commerce must develop, in collaboration with Ecology, the Department of Fish and Wildlife, the Department of Natural Resources, DOH, and the Emergency Management Division of the Washington Military Department, and adopt by rule a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies.

The model element must establish minimum requirements for fulfilling the requirements of the climate change and resiliency element, and should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts. The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change. The rule must recognize and promote as many co-benefits of climate resilience as possible, such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

Compilation of Vehicles Miles Traveled. WSDOT must compile, maintain, and publish a summary of the per capita VMT annually in each city in the state, and in the unincorporated portions of each county in the state.

Shoreline Master Program Guidelines. Ecology must update its Shoreline Master Program guidelines to require Shoreline Master Programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Comprehensive Flood Control Management Plan. A comprehensive flood control management plan, if a county chooses to adopt one, must include a consideration of climate change impacts, including the impact of sea level rise and increased storm severity on

people, property, natural resources, and the environment.

Water System Plans. Beginning June 30, 2025, DOH must ensure water system plans for group A community public water systems serving 1000 or more connections include a climate resilience element at the time of approval. DOH must:

- update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources; and
- provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.

Subject to available funding, the University of Washington Climate Impacts Group must assist DOH in developing technical assistance tools. To fulfill the planning requirements of this element, water systems must:

- determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;
- assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and
- generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.

Climate readiness projects, including planning to meet the requirements of the climate resilience element and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under the Water System Acquisition and Rehabilitation Program.

Subject to available funding, DOH must provide financial assistance through a water system acquisition and rehabilitation program. DOH must adopt guidelines for the program, using the procedures and criteria of the drinking water revolving loan program as a model. All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning requirements under the SMA. The maximum grant or loan to any eligible entity may not exceed 25 percent of funds allocated to the appropriation in any fiscal year.

State Environmental Policy Act—Appeals. The adoption of ordinances, amendments to comprehensive plans, and other related nonproject actions taken by a county or city to implement the guidelines published by Commerce are not subject to appeal under the SEPA.

Growth Management Act—Definitions. Terms, including per capita VMT, active transportation, transportation system, environmental justice, active transportation facilities, greenspace, green infrastructure, wildland urban interface, vulnerable populations, and

overburdened communities are defined.

Funding. Any county or city that is required to include a climate change and resiliency element in its comprehensive plan, and is also required to review, and if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report, if funds are appropriated and distributed by December 31, 2027.

Jurisdictions required to review, and if necessary, revise its comprehensive plan on or before June 30, 2025, must implement the requirements of this act. Any funding provided to cover applicable local government costs related to implementation of this act must be considered timely.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available. New fiscal note requested on March 7, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.