

SENATE BILL REPORT

SB 5571

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 5, 1991

Brief Description: Expanding the opportunity to collect damages for certain governmental actions affecting real property.

SPONSORS: Senators Thorsness, Rasmussen, Matson and Nelson.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and Rasmussen.

Staff: Ben Barnes (786-7465)

Hearing Dates: February 25, 1991; March 5, 1991

BACKGROUND:

Current law allows property owners seeking a permit from a governmental agency to sue that agency for an unlawful, arbitrary, or capricious act by the agency. The claim must be brought, however, no later than 30 days after all administrative remedies have been exhausted.

It is recommended that the statute regulating damage actions against governmental agencies based on real property rights be modified.

SUMMARY:

A governmental agency can no longer defend against a damage suit regarding the issuance of a permit based on a statute or agency regulation adopted after the filing of an application for a permit.

The requirement that an agency knew or should have known that its actions were unlawful or in excess of its authority as a precondition to suit is deleted.

The requirement that an action for damages be commenced within 30 days of exhausting all administrative remedies is deleted.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill provides effective remedies for property owners against unlawful or arbitrary actions by local government agencies.

TESTIMONY AGAINST: None

TESTIFIED: Jeannette Burrage, NW Legal Foundation (pro)