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SENATE BILL 5570

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators Rasmussen, Matson, Nelson, Thorsness and Stratton.

Read first time February 7, 1991.                      Referred to Committee on  
Governmental Operations.

1            AN ACT Relating to invalidated local laws; adding a new section to  
2 chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding  
3 a new section to chapter 36.01 RCW; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.21 RCW  
6 to read as follows:

7            (1) When a local law has been invalidated by a judicial decision  
8 that has not been appealed, the legislative authority shall not pass or  
9 seek to pass a revised law without making sufficient changes that are  
10 reasonably calculated to cure the legal defect that resulted in  
11 invalidation of the previous law.

12            (2) In any legal action brought to challenge the validity of a  
13 revised local law, the revised law shall not be presumed valid. The  
14 legislative authority shall have the burden of establishing that a good

1 faith effort has been made to incorporate changes in the revised law  
2 sufficient to cure the defects in the previously invalidated law.

3 If the court is unable to establish that a good faith effort was  
4 made to cure the defect, each member of the legislative authority who  
5 voted for the revised law, as well as the chief administrative officer  
6 who had the power but failed to veto the revised law, shall be  
7 personally liable for actual damages, costs and attorneys' fees in  
8 addition to a civil fine not to exceed ten thousand dollars.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW  
10 to read as follows:

11 (1) When a local law has been invalidated by a judicial decision  
12 that has not been appealed, the legislative authority shall not pass or  
13 seek to pass a revised law without making sufficient changes that are  
14 reasonably calculated to cure the legal defect that resulted in  
15 invalidation of the previous law.

16 (2) In any legal action brought to challenge the validity of a  
17 revised local law, the revised law shall not be presumed valid. The  
18 legislative authority shall have the burden of establishing that a good  
19 faith effort has been made to incorporate changes in the revised law  
20 sufficient to cure the defects in the previously invalidated law.

21 If the court is unable to establish that a good faith effort was  
22 made to cure the defect, each member of the legislative authority who  
23 voted for the revised law, as well as the chief administrative officer  
24 who had the power but failed to veto the revised law, shall be  
25 personally liable for actual damages, costs and attorneys' fees in  
26 addition to a civil fine not to exceed ten thousand dollars.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW  
28 to read as follows:

1           (1) When a local law has been invalidated by a judicial decision  
2 that has not been appealed, the legislative authority shall not pass or  
3 seek to pass a revised law without making sufficient changes that are  
4 reasonably calculated to cure the legal defect that resulted in  
5 invalidation of the previous law.

6           (2) In any legal action brought to challenge the validity of a  
7 revised local law, the revised law shall not be presumed valid. The  
8 legislative authority shall have the burden of establishing that a good  
9 faith effort has been made to incorporate changes in the revised law  
10 sufficient to cure the defects in the previously invalidated law.

11           If the court is unable to establish that a good faith effort was  
12 made to cure the defect, each member of the legislative authority who  
13 voted for the revised law, as well as the chief administrative officer  
14 who had the power but failed to veto the revised law, shall be  
15 personally liable for actual damages, costs and attorneys' fees in  
16 addition to a civil fine not to exceed ten thousand dollars.