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ENGROSSED SENATE BILL 5070

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators Haugen, Winsley, Drew, Sheldon and Fraser

Read first time 01/09/95.      Referred to Committee on Government Operations.

1            AN ACT Relating to the study of the impact of growth management  
2 requirements on property values; amending RCW 36.70A.370; and creating  
3 a new section.

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

5            NEW SECTION.    **Sec. 1.**    The department of community, trade, and  
6 economic development and the department of revenue, in cooperation with  
7 the offices of county assessors, shall conduct a study of the impact,  
8 both positive and negative, of the implementation of the growth  
9 management act on the market value of real estate in those counties  
10 that are planning under the act. The study shall include an analysis  
11 of the impact related to the designation of critical areas,  
12 agricultural land, forest land, and mineral land and the fixing of  
13 interim and final urban growth boundaries. The study shall be  
14 completed and a report submitted to the legislature by January 1, 1996.

15            **Sec. 2.**    RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each amended  
16 to read as follows:

17            (1) The state attorney general shall establish by October 1, 1991,  
18 an orderly, consistent process, including a checklist if appropriate,

1 that better enables state agencies and local governments to evaluate  
2 proposed regulatory or administrative actions to assure that such  
3 actions do not result in an unconstitutional taking of private  
4 property. It is not the purpose of this section to expand or reduce  
5 the scope of private property protections provided in the state and  
6 federal Constitutions. The attorney general shall review and update  
7 the process at least on an annual basis to maintain consistency with  
8 changes in case law.

9 (2) Local governments that are required or choose to plan under RCW  
10 36.70A.040 and state agencies shall utilize the process established by  
11 subsection (1) of this section to assure that proposed regulatory or  
12 administrative actions do not result in an unconstitutional taking of  
13 private property.

14 ~~(3) ((The attorney general, in consultation with the Washington  
15 state bar association, shall develop a continuing education course to  
16 implement this section.~~

17 ~~(4))~~ The process used by government agencies shall be protected by  
18 attorney client privilege. Nothing in this section grants a private  
19 party the right to seek judicial relief requiring compliance with the  
20 provisions of this section.

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