

SENATE BILL REPORT

ESSB 6497

As Passed Senate, February 17, 1998

Title: An act relating to the taking of private property.

Brief Description: Taking private property.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators McCaslin, T. Sheldon, Anderson and Oke).

Brief History:

Committee Activity: Government Operations: 2/3/98, 2/6/98 [DPS].
Passed Senate, 2/17/98, 32-17.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6497 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and T. Sheldon.

Staff: Genevieve Pisarski (786-7488)

Background: The supreme courts of the United States and Washington have established standards for determining unconstitutional takings of private property. Under the Growth Management Act, the state Attorney General is required to provide state agencies and local governments with a process for assuring that their regulatory or administrative actions do not result in unconstitutional takings.

Summary of Bill: For any governmental actions requiring a public hearing, state agencies and local governments must follow the Attorney General's guidelines and must prepare written findings and conclusions regarding any potential unconstitutional taking of private property. If an increased level of service results, local governments may submit claims for reimbursement.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Property owners and public resources will be protected.

Testimony Against: The existing law is sufficiently protective, and the Attorney General checklists are used. Specifying issues to be addressed will require change as court decisions change. Attorney client privilege should remain. Requiring a public hearing with every governmental action is excessive and costly. The language is overbroad.

Testified: Glen Hudson, John Woodring, Realtors (pro); Shavanna Schilling, Washington State Grange (pro); Jodi Walker, BIAW (pro); Merton Cooper (pro); Bob Mack, Association of Washington Counties (con); Paul Parker, Washington State Association of Counties.

House Amendment(s): Only government actions that regulate private real property are included. Local governments are not authorized to claim reimbursement for increased levels of service.