

SENATE BILL REPORT

SB 6497

As Reported By Senate Committee On:
Government Operations, February 6, 1998

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

Brief Description: Taking private property.

Sponsors: Senators McCaslin, T. Sheldon, Anderson and Oke.

Brief History:

Committee Activity: Government Operations: 2/3/98, 2/6/98 [DPS].

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 Substitute 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.

Substitute Bill Compared to Original Bill: Only governmental actions that require a public hearing are included. Issues to be addressed are not specified. Attorney client privilege continues to apply to the process used.

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.