

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6497

55th Legislature
1998 Regular Session

Passed by the Senate March 11, 1998
YEAS 29 NAYS 14

President of the Senate

Passed by the House March 4, 1993
YEAS 64 NAYS 31

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6497** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6497

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

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

Read first time 02/06/98.

1 AN ACT Relating to the taking of private property; and amending RCW
2 36.70A.370.

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

4 **Sec. 1.** RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each amended
5 to read as follows:

6 (1) It is the public policy of the state of Washington that state
7 agencies and local governments, in planning and carrying out
8 governmental actions, anticipate, be sensitive to, and account for the
9 obligations imposed by the fifth and the fourteenth amendments of the
10 United States Constitution and Article I, section 16 of the state
11 Constitution. It is the purpose of this section to reduce the risk of
12 undue or inadvertent burdens on private property rights resulting from
13 certain lawful governmental actions.

14 (2) The state attorney general shall establish by October 1, 1991,
15 an orderly, consistent process, including a checklist if appropriate,
16 that better enables state agencies and local governments to evaluate
17 proposed regulatory or administrative actions to assure that such
18 actions do not result in an unconstitutional taking of private
19 property. It is not the purpose of this section to expand or reduce

1 the scope of private property protections provided in the state and
2 federal Constitutions. The attorney general shall review and update
3 the process at least on an annual basis to maintain consistency with
4 changes in case law.

5 ~~((2))~~ (3) For any governmental action concerning the regulation
6 of private real property by local or state government requiring a
7 public hearing, the local or state government shall address in its
8 public hearing the guidelines of the state attorney general under
9 subsection (2) of this section. The local or state government shall
10 prepare written findings and conclusions available to the public, using
11 the state attorney general's guidelines, on whether the governmental
12 action may result in an unconstitutional taking of private real
13 property.

14 (4) Local governments that are required or choose to plan under RCW
15 36.70A.040 and state agencies shall utilize the process established by
16 subsections ~~((1))~~ (2) and (3) of this section to assure that proposed
17 regulatory or administrative actions do not result in an
18 unconstitutional taking of private property.

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

22 ~~(4))~~ (5) The process used by government agencies shall be
23 protected by attorney client privilege. Nothing in this section grants
24 a private party the right to seek judicial relief requiring compliance
25 with the provisions of this section.

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