

VETO MESSAGE ON SB 6497-S

April 2, 1998

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 6497 entitled:

"AN ACT Relating to the taking of private property;"

Under current law the Attorney General has adopted guidelines for use by state agencies and local governments in evaluating whether proposed actions constitute an unconstitutional taking of private property, when they are planning under the Growth Management Act (GMA). ESSB 6497 would require state agencies and local governments to address the Attorney General's guidelines and make written findings and conclusions as to whether a proposed action may result in an unconstitutional taking.

State and local governments are already required to comply with the state and federal constitutions and are subject to judicial correction if their actions result in unconstitutional takings.

Though well intended, ESSB 6497 would impose unreasonable administrative obligations on local and state governments and imply significant additional legal costs. In return it would make no improvement in the protection of private property rights.

Addressing the fundamental importance of property rights under the GMA remains very important to me. I remain committed, however, to supporting efficient and effective administration of land use law by local and state governments. ESSB 6497 does not create better decision-making or more sophisticated constitutional analysis.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 6497 in its entirety.

Respectfully submitted,
Gary Locke
Governor