

6497-S

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

Brief Title: Taking private property.

SB 6497-S.E - DIGEST

(DIGEST AS PASSED LEGISLATURE)

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

Provides that, for any governmental action concerning the regulation of private real property by local or state government requiring a public hearing, the local or state government shall address in its public hearing the guidelines of the state attorney general. The local or state government shall prepare written findings and conclusions available to the public, using the state attorney general's guidelines, on whether the governmental action may result in an unconstitutional taking of private property.

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