

2 SSB 5285 - S AMD - 248

3 By Senators Fraser, Spanel and Kline

4 NOT ADOPTED 3/16/99 - ROLL CALL 18-29

5 On page 1, after "**Sec. 1.**" insert the following:

6 (1) The office of the attorney general and the standing committees  
7 on the judiciary and environmental quality in the house of  
8 representatives and the senate shall jointly review the availability of  
9 nuisance and other actions for the recovery of property damages from  
10 air emissions, water discharge, and solid waste discharge or release,  
11 and court decisions and public policy considerations regarding  
12 restricting the availability of such actions when the discharge or  
13 release occurs in compliance with a term or condition of:

14 (a) a statute or regulation;

15 (b) a license, permit, or order that is issued after the  
16 opportunity for public comment by a local, state, or federal agency and  
17 subject to continuing compliacnce assurance procedures, review by the  
18 issuing authority, and amendment or renewal; or

19 (c) a court order or judgment.

20 (2) Stakeholder organizations such as business and environmental  
21 organizations, property owner organizations, and the practicing legal  
22 profession should be consulted in conducting the review.

23 (3) The attorney general and standing committee shall submit its  
24 report and proposed recommendations for statutory changes to the  
25 availability of property damage recovery actions to the legislature by  
26 December 31, 1999.

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30 On page , beginning on line 1 of the title, after "section", delete  
31 "to chapter 7.48."

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**EFFECT:** The bill replaced by a study of the issue of allowing discharge permits to be a "shield" against nuisance actions for property damage recovery.