

5346

Sponsor(s): Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Spanel

Brief Description: Requiring compensation for damage by required changes to tide gate operation.

SB 5346 - DIGEST

(AS OF SENATE 2ND READING 3/19/03)

Declares that the department shall be responsible for any damage to public or private property that results from a requirement the department imposed as a condition on a hydraulic project approval issued under RCW 77.55.100 or other permit issued by the department, that changes the operating characteristics of tide gates.

Provides that persons adversely affected by changes required by the department to a tide gate shall notify in writing both the owner of the tide gate and the department describing the damage that is occurring. The department shall investigate all complaints received and respond within thirty days of the receipt of the complaint. If the damage is determined to be ongoing, the department shall either: (1) Immediately require the return of the tide gate to its original operating characteristics; or

(2) enter into an agreement with all damaged parties to compensate for the loss.