

1419

Sponsor(s): Representatives Quall, Schoesler, Blake, Sump, Grant, Eickmeyer, Orcutt, Morris, Hatfield and Sehlin

Brief Description: Providing for compensating property owners for damages caused by conditions in hydraulic project approvals.

**HB 1419 - DIGEST**

Declares that, in any action brought pursuant to this act, a defense is available to a political subdivision of this state that its act was mandated by a change in statute or state rule or regulation and that such a change became effective subsequent to the filing of an application for a permit.

Provides that, in addition to the action authorized by RCW 64.40.020, an owner of a property interest in public or private property has an action for harm resulting from a condition imposed by the department of fish and wildlife in an approval issued according to chapter 77.55 RCW for a hydraulic project or other work if implementation of the condition: (1) Is a requirement of the approval issued by the department under chapter 77.55 RCW for a hydraulic project or other work on the owner's property or on property affected by operation of the tide gate;

(2) Results in a change in the operating characteristics of a tide gate; and

(3) Harms the property interest of either the owner obtaining the approval or the owner of property affected by the operation of the tide gate.