

SENATE BILL REPORT

SB 5141

As Reported By Senate Committee On:
Government Operations & Elections, February 12, 2007

Title: An act relating to affirming the applicability of land use regulations to divisions of land created by testamentary provisions or the laws of descent.

Brief Description: Affirming the applicability of land use regulations to divisions of land created by testamentary provisions or the laws of descent.

Sponsors: Senators Fraser and Swecker.

Brief History:

Committee Activity: Government Operations & Elections: 2/08/07, 2/12/07 [DPS, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senators Roach, Ranking Minority Member; and Benton.

Staff: Sharon Swanson (786-7447)

Background: In general, land must be divided in accordance with RCW 58.17, which regulates the subdivision of land. There are several exemptions to the requirements of RCW 58.17 such as divisions made by testamentary provisions or the laws of descent.

A testamentary exemption means that a division of land that is made in a will or under the laws of inheritance does not have to be platted and submitted for local government review and approval according to the requirements set forth in statute.

The courts have interpreted the testamentary exemption, and established that the exemption applies only to the initial division made by a will or the law of inheritance and does not apply to any subsequent division or development of the land. Land remains subject to any land use requirements that would otherwise apply.

Summary of Bill: Land divided by testamentary provisions or the laws of descent are subject to land use regulations that otherwise apply.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections): The language is changed in the original bill to clarify that divisions of land made under testamentary provisions or the laws of descent must comply with all land use and development regulations.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill protects the spirit of the law. It is important to allow people to divide their land and pass it on to their heirs but it is equally important to protect the beauty and integrity of our communities. This bill clarifies that a person passing land on to heirs cannot exceed the standards currently in place.

Persons Testifying: PRO: Senator Fraser, prime sponsor; William Arnesen, Delphi Association; Kaleen Cottingham, FutureWise.