

HOUSE BILL REPORT

HB 1079

As Reported By House Committee On:
Judiciary

Title: An act relating to review of eminent domain judgments.

Brief Description: Correcting an error in procedure for review of eminent domain judgments.

Sponsors: Representatives Appelwick, Padden, Ludwig, Orr, Basich and Johanson; by request of Law Revision Commission.

Brief History:

Reported by House Committee on:
Judiciary, January 29, 1993, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Staff: Patricia Shelledy (786-7149).

Background: In 1988, a major rewrite of laws concerning appellate procedure was enacted. One section of the bill concerned appellate review of final judgments in eminent domain proceedings by cities. The former law provided that appeals from final judgments in eminent domain proceedings could not delay the condemnation or improvement of the property under the ordinance if the city paid into court for the interested parties, the amount of the judgment and costs. The city would also be liable for further compensation if the condemnation's opponents prevailed on appeal.

In the 1988 revision, the provision was inadvertently rewritten to provide that if appellate review is sought, the review "shall delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs . . ."

The Law Revision Commission proposes to correct the inadvertent error.

Summary of Bill: An inadvertent error in the Revised Code of Washington is corrected. If appellate review is sought from a final judgment in an eminent domain proceeding, the review shall not delay proceedings under the city ordinance, if the city pays into court for the owners and interested parties, the amount of the judgment and costs.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The bill corrects an inadvertent error.

Testimony Against: None.

Witnesses: Marjorie Rombauer, Washington Law Revision Commission (in favor).