
SENATE BILL 5144

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson and Winsley

Read first time 01/14/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to relocation assistance; and amending RCW
2 8.26.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 8.26.010 and 1988 c 90 s 1 are each amended to read as
5 follows:

6 (1) The purposes of this chapter are:

7 (a) To establish a uniform policy for the fair and equitable
8 treatment of persons displaced as a direct result of public works
9 programs of the state and local governments in order that such persons
10 shall not suffer disproportionate injuries as a result of programs
11 designed for the benefit of the public as a whole and to minimize the
12 hardship of displacement on such persons;

13 (b) To encourage and expedite the acquisition of real property for
14 public works programs by agreements with owners, to reduce litigation
15 and relieve congestion in the courts, to assure consistent treatment
16 for owners affected by state and local programs, and to promote public
17 confidence in state and local land acquisition practices.

18 (2) Notwithstanding the provisions and limitations of this chapter
19 requiring a local public agency to comply with the provisions of this

1 chapter, the governing body of any local public agency may elect not to
2 comply with the provisions of RCW 8.26.035 through 8.26.115 in
3 connection with a program or project not receiving federal financial
4 assistance. Any person who has the authority to acquire property by
5 eminent domain under state law may elect not to comply with RCW
6 8.26.180 through 8.26.200 in connection with a program or project not
7 receiving federal financial assistance.

8 (3) Any determination by the head of a state agency or local public
9 agency administering a program or project as to payments under this
10 chapter is subject to review pursuant to chapter 34.05 RCW; otherwise,
11 no provision of this chapter may be construed to give any person a
12 cause of action in any court. In any proceeding to review a
13 determination under this subsection, the agency making the
14 determination has the burden of proof and RCW 34.05.570(1)(a) does not
15 apply.

16 (4) If the displaced person receives any increase in benefits as a
17 result of the administrative hearing, then he or she is entitled to
18 reasonable attorneys' fees and costs.

19 (5) Nothing in this chapter may be construed as creating in any
20 condemnation proceedings brought under the power of eminent domain, any
21 element of value or of damage not in existence immediately before March
22 16, 1988.

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