

SENATE BILL REPORT

SB 5497

As Reported By Senate Committee On:
Highways & Transportation, February 19, 2003

Title: An act relating to moving and relocation expenses.

Brief Description: Modifying relocation assistance provisions.

Sponsors: Senators Esser, Haugen and Oke; by request of Department of Transportation.

Brief History:

Committee Activity: Highways & Transportation: 2/11/03, 2/19/03 [DPS].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen; Kastama, Mulliken, Oke, Prentice and Spanel.

Staff: Janice Baumgardt (786-7319)

Background: Under its power of eminent domain, government may condemn real property and acquire the property for public use. The majority of condemnations are related to road and highway construction. The owner of the condemned property is entitled to compensation for the loss of the property. In addition to this, the displacing agency may be required to reimburse the displaced occupant for moving and related costs.

If local government is the displacing agency and no federal money is involved in the project, they may choose not to be covered by these provisions. Displaced individuals may choose between being reimbursed the actual costs of moving himself, his family, and other personal property and receiving an expense and dislocation allowance determined according to a schedule established by WSDOT.

Business owners or farmers may elect to receive a fixed payment established by WSDOT of no less than \$1,000 and no more than \$20,000 if they meet criteria established by WSDOT or may choose to be reimbursed actual moving and related expenses. A person whose sole business at the displacement dwelling is the rental of the property does not qualify for this fixed payment option.

The actual expenses the business owner or farmer may be reimbursed for are (a) moving himself, family, business, or other personal property; (b) direct losses of personal property as a result of moving or discontinuing the business; and (c) searching for a replacement business. In addition, farms, nonprofit organizations, and small businesses may be reimbursed for costs of reestablishing the business up to \$10,000.

Summary of Substitute Bill: The \$10,000 limit for reimbursable business reestablishment costs is increased to \$50,000.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This legislation will allow WSDOT to pay up to \$50,000 to displaced occupants of eminent domain condemned property for business reestablishment costs.

Testimony Against: None.

Testified: Linda Anderson, WSDOT (pro).