

SENATE BILL REPORT

SB 5144

As Reported By Senate Committee On:
State & Local Government, March 3, 1999

Title: An act relating to relocation assistance.

Brief Description: Changing provisions regarding relocation assistance.

Sponsors: Senators Patterson and Winsley.

Brief History:

Committee Activity: State & Local Government: 2/22/99, 3/3/99 [DPS, DNPS].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5144 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Kline and McCaslin.

Minority Report: Do not pass substitute.

Signed by Senator Horn.

Staff: Diane Smith (786-7410)

Background: The Washington State Constitution, Article 1, Section 16, addresses the issue of eminent domain. It states in part that no private property may be taken for public use without just compensation having been first made or paid into court for the owner.

A chapter enacted in 1971 provides for relocation assistance for persons displaced as a direct result of public works programs. Any determination about payments made to a displaced person by the agency head administering the public works program is subject to review under the Administrative Procedure Act (APA).

No provision is made for attorneys' fees to be awarded to any party in the administrative hearing.

Summary of Substitute Bill: The hearing held pursuant to the APA is conducted by an administrative law judge. The displaced person who receives any increase in benefits as a result of the administrative hearing shall receive attorneys' fees and costs.

Substitute Bill Compared to Original Bill: There is no change to the burden of proof in the administrative hearing.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Local public works programs such as the Port of Seattle do not have to use administrative law judges.

Testimony Against: There are technical concerns.

Testified: James Barbee, Trust (pro); John Hurly (pro); Jose Pestinger, WSDOT (con).