

HOUSE BILL REPORT

SB 6430

*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.

Sponsor(s): Senators Nelson and Rasmussen.

Brief History:

Reported by House Committee on:
Judiciary, February 28, 1992, DP.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Jim Hickman (786-7623).

Background: In 1988, the Legislature updated the terminology used in various statutes to conform with the Rules of Appellate Procedure adopted by the Supreme Court of Washington. The most common modification, for example, replaced the phrase "appeals may be taken" with the phrase "appellate review may be sought" wherever it appeared in the statutes. Additionally, references to "appeal" were removed and replaced with "appellate review."

In a section of the 1988 law pertaining to an eminent domain-taking initiated by a city, the word "not" was inadvertently omitted from the text, changing the original legal effect of the section. As originally written, the section provided that appellate review of such a judgment shall *not* delay the taking itself if the city pays into the court the amount of the judgment and costs, as directed by the court. However, as the provision is written, the taking shall be delayed if the city complies with the provision.

Summary of Bill: A correction is made to the statute governing eminent domain by cities. This amendment corrects an oversight in the drafting of a 1988 enactment.

The word "not" is added to the RCW section pertaining to appellate review of eminent domain proceedings initiated by cities. This change corrects a previous, inadvertent omission and restores the original legal meaning of the section.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.