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**SUBSTITUTE SENATE BILL 5144**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on State & Local Government (originally sponsored by Senators Patterson and Winsley)

Read first time 03/03/1999.

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. For such review the administrative head  
13 of the displacing agency shall request the appointment of an  
14 administrative law judge under Title 34 RCW. The administrative law  
15 judge shall be the presiding officer of the adjudicative proceeding  
16 held under Title 34 RCW.

17 (4) If the displaced person is the prevailing party at the  
18 adjudicative proceeding, then he or she shall receive reasonable  
19 attorneys' fees and costs.

20 (5) Nothing in this chapter may be construed as creating in any  
21 condemnation proceedings brought under the power of eminent domain, any  
22 element of value or of damage not in existence immediately before March  
23 16, 1988.

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