

take effect immediately.

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CHAPTER 236
[Engrossed Senate Bill No. 310]
EMINENT DOMAIN--RELOCATION ASSISTANCE--
APPRAISAL DISCLOSURE

AN ACT Relating to eminent domain; amending section 4, chapter 125, Laws of 1965 ex. sess. as amended by section 2, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.040; amending section 5, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.050; amending section 6, chapter 125, Laws of 1965 ex. sess. and RCW 8.25-.060; amending section 3, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.070; amending section 4, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.900; and adding new sections to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW.

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

NEW SECTION. Section 1. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

With respect to state highway projects and other public highways, roads and streets on a federal aid highway system, the legislature finds and declares that:

(1) Reduction of the length of time between initial planning and public use of highway projects will result in saving lives and highway funds. The amount of time within which a highway project can be readied for public use can be substantially reduced by prompt and equitable relocation and reestablishment of persons, businesses, farms, and nonprofit organizations displaced as a result of acquisitions of property for highway purposes. Providing the necessary information, assistance, and the financial means by which individuals to be displaced may become housed in decent, safe and sanitary housing will be an inducement for persons to be relocated promptly, will facilitate

orderly planning, and will permit acquisition of right of way needed for highway projects more promptly than could have been done by leaving such individuals to their own resources.

(2) Acquisitions of real property for state highway purposes and acquisitions on any federal aid highway system require an increasing number of citizens to move and relocate their residences, businesses and farms, and these displaced persons incur expenses not fully compensated for under state law. It is a condition of a state's eligibility for federal aid for its highways under the Federal Aid Highway Act of 1968, after July 1, 1970, that such displaced persons, businesses, farms and nonprofit organizations be provided with relocation assistance as defined in that act.

(3) Reduction of the total time required to permit public use of planned highway projects by such prompt and equitable relocation, the additional expenditures of public highway funds necessary to obtain such accelerated schedules and maintaining continued eligibility for federal aid for the state's highways are in the public interest.

NEW SECTION. Sec. 2. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

For, the purpose of this 1969 amendatory act, the following definitions shall apply:

(1) "Person" means:

(a) Any individual, partnership, corporation, or association which is the owner of a business;

(b) Any owner, part owner, tenant, or sharecropper who operates a farm;

(c) An individual who is the head of a family;

(d) An individual not a member of a family.

(2) "Family" means two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(3) "Displaced person" means any person who moves from real

property as a result of the acquisition or reasonable expectation of acquisition of such real property, or as the result of the acquisition of other real property on which such person conducts a business or farm operation.

(4) "Business" means any lawful activity conducted primarily:

(a) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) for the sale of services to the public; or

(c) by a nonprofit organization.

(5) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(6) "Condemnor" means any agency acquiring property by eminent domain or by consent under threat thereof, pursuant to chapters 8.04, 8.08, 8.12, 8.16, and 8.20 RCW, and any agency, organization or person acquiring property pursuant to 8.24 RCW.

NEW SECTION. Sec. 3. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

A condemnor acquiring property for a state highway or any highway, road, or street on a federal aid highway system shall provide to displaced persons relocation advisory assistance as in this chapter provided.

NEW SECTION. Sec. 4. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

(1) In addition to the payments otherwise authorized by this chapter in connection with an acquisition for state highway purposes or for any highway, road, or street on a federal aid highway system, the condemnor, as a part of the cost of acquisition, shall make a payment as described in this subsection to the owner of real property

which is improved with a single, two or three family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed five thousand dollars, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling which is decent, safe, and sanitary and adequate to accommodate the displaced owner, reasonably accessible to public services and place of employment and available on the market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling that meets such standards within one year subsequent to the date on which he is required to move from the dwelling acquired.

(2) In addition to the payments otherwise authorized by this chapter in connection with an acquisition for state highway purposes or for any highway, road, or street on a federal aid highway system, the condemnor, as a part of the cost of acquisition, shall make a payment described in this subsection to any individual or family not eligible to receive a payment under subsection (1) of this section who is displaced from any dwelling actually and lawfully occupied by such individual or family for not less than ninety days prior to initiation of negotiations for acquisition of such property. The payment authorized by this subsection shall be either of the following:

(a) In the event such individual or family elects to rent or lease a dwelling, such payment or payments, not to exceed a total of one thousand five hundred dollars, shall be the amount which when added to the actual or economic rental for the dwelling acquired by the condemnor, equals the average rental for a comparable dwelling which is decent, safe and sanitary and adequate to accommodate such individual or family in an area reasonably accessible to public utilities and to public and commercial facilities. In no event shall such payments supplement the rent of such an individual or family for a period in excess of two years.

(b) In the event such individual or family elects to purchase a dwelling, such payment, not to exceed one thousand five hundred dollars, shall be the amount which is necessary to enable such individual or family to make the down payment on the purchase of a decent, safe and sanitary dwelling adequate to accommodate such individual or family in an area not generally less desirable in regard to public utilities and public and commercial facilities.

(3) When an owner-occupant is qualified for a payment under subsection (1) of this section but has previously received a payment under subsection (2) of this section, the amount of any payment under subsection (2) shall be deducted from the amount to which he would otherwise be entitled under subsection (1) of this section. In no event shall the combined payments exceed five thousand dollars.

(4) If the acquisition payment shall have been established by court judgment, the amount of the payment under subsections (1) or (2) of this section shall not exceed the difference between the amount of any such court judgment and the condemnor's determination of the average price required for a comparable dwelling which is decent, safe and sanitary and adequate to accommodate as in subsections (1) and (2) of this section, provided. A condemnor shall be entitled to a credit upon such court judgment for any amounts in excess of such difference previously paid.

Sec. 5. Section 4, chapter 125, Laws of 1965 ex. sess. as amended by section 2, chapter 137, Laws of 1967 ex. sess. and RCW 8-.25.040 are each amended to read as follows:

(1) Any displaced person (~~(or organization whose real property or interest therein is acquired by eminent domain, or by consent under threat thereof)~~) is entitled to be reimbursed by the (~~(agency or person acquiring such property or interest therein)~~) condemnor as provided in this (~~(chapter)~~) section for the (~~(reasonable costs which he actually and)~~) actual reasonable expenses necessarily incurred (~~(as a result of the acquisition)~~) in moving himself, his family,

and personal property ((from the real property acquired)), such costs to include temporary lodging and transportation of himself and his family and dismantling, removing, packing, loading, transporting, insuring, reinstalling, unpacking and temporary storage ((not to exceed sixty days)) of personal property, but not a devaluation of such personal property incurred in or caused by such moving ((--PROVIDED, that the amount of reimbursement for transportation shall not exceed the cost of moving one hundred miles from the point from which such person or organization is displaced,--In no event shall the amount of reimbursement exceed the sum of five hundred dollars for removal of personal property in the case of an individual or a family, or sum of ten thousand dollars for removal of personal property in the case of a business concern (including the operation of a farm) or a nonprofit organization, or the sum of the two when both such removals are required)).

(2) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive a moving expense allowance, in accordance with the average cost of moving from a comparable size dwelling determined according to a schedule established by the condemnor, not to exceed two hundred dollars, and in addition a dislocation allowance of one hundred dollars.

(3) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars, whichever is lesser. In the case of a business, no payment shall be made under this subsection if the business is a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, or if the condemnor is satisfied that the busi-

ness can be relocated without a substantial loss of patronage. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such two year period. To be eligible for the payment authorized by this subsection, the business or farm operation must make its income tax returns, financial statements and accounting records available to the condemnor for audit and confidential use to determine eligibility and the amount of any payment authorized by this subsection.

Sec. 6. Section 5, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.050 are each amended to read as follows:

~~((Such-a-person-or-organization))~~ A displaced person is entitled to ((reimbursement-of-such-costs-of-moving)) moving expenses only if he, his family or personal property ((was)) were lawfully upon the real property ((when-such-real-property-or-interest-therein was-acquired-or-when-such-person-or-organization-relinquished-his right-of-possession-thereof-to-the-condemnor-or-prospective-condemnor-in-anticipation-of-its-acquisition)) from which removed.

Sec. 7. Section 6, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.060 are each amended to read as follows:

Within ninety days following acquisition of the real property, ~~((or))~~ removal of the personal property or the time of moving, whichever last occurs, ~~((or-if-by-condemnation-within-ninety-days-following-entry-of-judgment))~~ the person claiming reimbursement shall serve upon the ((agency-or-person-acquiring-such-real-property-or-interest-therein)) condemnor causing the displacement a written verified statement of his' ((costs)) expenses, including therein the following information:

- (1) The date the removal was completed.
- (2) The location from which and to which the personal property was moved, and the location to which the displaced person moved.
- (3) The place where personal property is stored and the proprietor thereof, and the time and duration of any temporary storage.
- (4) An itemized statement of the ~~((costs-incurred))~~ expenses, including the name and address of any persons furnishing services in connection therewith.
- (5) ~~((The-amount-of-reimbursement-claimed))~~ The names and relationships of those displaced persons for whom reimbursement is claimed.
- (6) The dates on which lodging and transportation expenses were incurred for each displaced person.
- (7) The amount of total reimbursement claimed.

In the case of temporary storage of personal property, a claim shall be made for temporary storage incurred to the date of claim and include an estimate of future storage costs.

~~((When-acquisition-shall-have-been-by-condemnation;-the-condemnor-shall-have-twenty-days-following-service-of-the-verified-statement-of-costs-of-moving-personal-property-to-object-here-to-and-move-to-quash-or-for-an-order-fixing-the-amount-thereof-by-the-court;))~~

NEW SECTION. Sec. 8. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

After the commencement of a condemnation action, upon motion of either the condemnor or condemnee, the court may order, upon such terms and conditions as are fair and equitable the production and exchange of the written conclusions of all the appraisers of the parties as to just compensation owed to the condemnee, as prepared for the purpose of the condemnation action, and the comparable sales, if any, used by such appraisers. The court shall enter such order only after assurance that there will be mutual, reciprocal and contemporaneous disclosures of similar information between the parties.

NEW SECTION. Sec. 9. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

In addition to amounts otherwise authorized by this 1969 amendatory act, the condemnor shall reimburse the owner of the real property acquired for actual reasonable expenses necessarily incurred for:

(1) recording fees and other expenses incidental to conveying such property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable state law on the date of final approval by the condemnor of the location of such project; and

(3) the pro rata portion of real property taxes paid which are applicable to a period subsequent to the date of execution of the instrument vesting title in the condemnor or the date of execution of the instrument granting possession of such real property to the condemnor, whichever is earlier.

NEW SECTION. Sec. 10. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

In order to minimize expenses and avoid duplication of functions, a condemnor may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this 1969 amendatory act by utilizing the facilities, personnel and services of any other federal, state, or local government agency authorized by law and having an established organization for conducting relocation assistance programs.

NEW SECTION. Sec. 11. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

Any person aggrieved by a determination as to eligibility for a payment or the amount of a payment authorized by this chapter may

have such determination reviewed by the head of the condemning agency whose decision shall be subject to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 12. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

A condemnor is authorized to adopt rules and regulations not inconsistent with the provisions of this 1969 amendatory act or federal laws and rules and regulations promulgated thereunder to implement the relocation assistance, expenses and payments provided herein to the end that the same shall be reasonable, fair and uniform. Such rules and regulations shall include, but not be limited to, provisions relating to the following where applicable:

- (1) Limitations on the allowable compensable distance of a move;
- (2) Limitations regarding compensable allowable time for temporary storage of personal property;
- (3) A moving expense allowance, as provided in section 5 (2) of this 1969 amendatory act;
- (4) Methods and procedures for providing relocation advisory assistance and the methods and procedures for determining the average rental, the economic rental, the average price, and down payment for a comparable dwelling;
- (5) Defining decent, safe and sanitary dwellings;
- (6) Eligibility for relocation assistance, expenses and payments, the procedures for making a claim and the methods and procedures for determining the amounts thereof; and
- (7) Procedures for review of a determination of eligibility or the amount of payment.

NEW SECTION. Sec. 13. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

No payment received by a displaced person under this 1969 amen-

datory act shall be considered as income for the purposes of any personal income tax or any tax imposed under Title 82 RCW as now or hereafter amended. Such payments shall not be considered as income or resources, and such payments shall not be deducted from any amount which any recipient would otherwise be entitled, under Title 74 RCW, as now or hereafter amended.

NEW SECTION. Sec. 14. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

Nothing contained in this 1969 amendatory act shall be construed as creating in any proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this 1969 amendatory act.

NEW SECTION. Sec. 15. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

No displaced person lawfully occupying real property shall be required to move without at least ninety days written notice.

Sec. 16. Section 4, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.900 are each amended to read as follows:

The provisions of chapter 125, Laws of 1965 extraordinary session as amended by chapter 137, Laws of 1967 1st extraordinary session and chapter 8.25 RCW, as amended and added to by this ((1967)) 1969 amendatory act, shall apply to all proceedings regulated by chapters 8.04, 8.08, 8.12, 8.16, 8.20, and 8.24 RCW as fully as though they were set forth in each of such chapters.

NEW SECTION. Sec. 17. There is added to chapter 125, Laws of 1965 ex. sess. and to chapter 8.25 RCW a new section to read as follows:

If any provision of this 1969 amendatory act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. The provisions of chapter 8.25 RCW, as now or hereafter amended, shall be applicable to federal aid projects authorized under the federal Housing and Urban Development Act of 1968. Any prior action taken pursuant to the federal Housing and Urban Development Act of 1968 which would be authorized under the terms of this 1969 amendatory act are hereby ratified.

NEW SECTION. Sec. 19. In order to insure compliance with the Federal Aid Highway Act of 1968, with regard to acquisitions for state highway purposes or for any highway, road or street on a federal aid highway system, this act shall be operative as to all such acquisitions which were completed after August 23, 1968 but before the effective date of this act, in connection with which representations were made to and relied upon by displaced persons, that as an inducement to settle, relocation assistance would become available to them upon the enactment of enabling legislation.

NEW SECTION. Sec. 20. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate May 8, 1969

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CHAPTER 237

[Engrossed Senate Bill No. 377]

PUBLIC EMPLOYEES--INSURANCE AND HEALTH CARE PROGRAMS--
ADVISORY COMMITTEE

AN ACT Relating to insurance and health care programs for public employees; amending section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1967, and RCW 41.04.180; amending section 1, chapter 187, Laws of 1959 as amended by section 2, chapter 135, Laws of 1967 and RCW 28.76-.410; amending sections 28A.58.420 and 28B.10.660, chapter ..., Laws of 1969 ex. sess. (HB No. 58) and RCW 28A.58.420 and 28B.10.660; adding new sections to chapter 75, Laws of 1965