

CERTIFICATION OF ENROLLMENT

SENATE BILL 6190

Chapter 68, Laws of 2000

56th Legislature
2000 Regular Session

EMINENT DOMAIN--PUBLIC USE DISPUTES

EFFECTIVE DATE: 6/8/00

Passed by the Senate March 6, 2000
YEAS 46 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 1, 2000
YEAS 97 NAYS 1

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved March 22, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6190** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

March 22, 2000 - 4:15 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6190

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By Senators Patterson, Horn, Haugen, Johnson, Costa, Goings, McCaslin and Winsley

Read first time 01/10/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to the expeditious resolution of public use
2 disputes in eminent domain proceedings; amending RCW 8.08.040; creating
3 a new section; and providing an expiration date.

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

5 **Sec. 1.** RCW 8.08.040 and 1971 c 81 s 37 are each amended to read
6 as follows:

7 At the time and place appointed for hearing said petition, or to
8 which the same may have been adjourned, if the court or judge thereof
9 shall have satisfactory proof that all parties interested in the land,
10 real estate, premises or other property described in said petition have
11 been duly served with said notice as prescribed herein, and shall be
12 further satisfied by competent proof that the contemplated use for
13 which the lands, real estate, premises, or other property sought to be
14 appropriated is a public use of the county, the court or judge thereof
15 may make and enter an order adjudicating that the contemplated use is
16 really a public use of the county, and which order shall be final
17 unless review thereof to the supreme court or the court of appeals be
18 taken within five days after entry of such order, adjudicating that the
19 contemplated use for which the lands, real estate, premises or other

1 property sought to be appropriated is really a public use of the
2 county, and directing that determination be had of the compensation and
3 damages to be paid all parties interested in the land, real estate,
4 premises, or other property sought to be appropriated for the taking
5 and appropriation thereof, together with the injury, if any, caused by
6 such taking or appropriation to the remainder of the lands, real
7 estate, premises, or other property from which the same is to be taken
8 and appropriated, after offsetting against any and all such
9 compensation and damages, special benefits, if any, accruing to such
10 remainder by reason of such appropriation and use by the county of such
11 lands, real estate, premises, and other property described in the
12 petition; such determination to be made by a jury, unless waived, in
13 which event the compensation or damages shall be determined by the
14 court without a jury. Proceedings under this chapter shall have
15 precedence over all cases in court except criminal cases.

16 NEW SECTION. **Sec. 2.** (1) The legislature finds that there is a
17 need to study the use of eminent domain and its application under
18 contemporary jurisprudence. It is the intent of the legislature to
19 create a joint study group to study ways to expedite resolution of
20 public use disputes in eminent domain proceedings.

21 (2) The study group shall consist of two legislators from each
22 caucus of the senate and house of representatives, as appointed by
23 leaders of the each caucus respectively.

24 (3) The study group shall review the need, use, application, and
25 effects of eminent domain, current case law on eminent domain, the
26 impact on the courts of the exercise of eminent domain, and ways to
27 expedite resolution of public use disputes in eminent domain
28 proceedings.

29 (4) The study group shall review other issues related to eminent
30 domain as desired by the study group.

31 (5) House office of program research and senate committee services
32 shall provide staff and administrative support for the study group.

33 (6) This section shall expire December 31, 2000.

Passed the Senate March 6, 2000.

Passed the House March 1, 2000.

Approved by the Governor March 22, 2000.

Filed in Office of Secretary of State March 22, 2000.