

"I am certain that the legislature did not intend to alter established procedures under the Budget and Accounting Act. Therefore, I have vetoed the words:

'the state auditor to issue'
which appear on lines 22 and 23 of page 2 of the bill in order to make this enactment consistent with the Budget and Accounting Act.

"The remainder of Engrossed House Bill No. 222 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 137.

[Engrossed Substitute House Bill No. 77.]

AN ACT relating to eminent domain; providing for allowance of costs and fees in connection therewith; amending sec-

EMINENT DOMAIN.

tion 2, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.020; amending section 4, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.040; and adding new sections to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.020 are each amended to read as follows:

RCW 8.25.020 amended.

There shall be paid by the condemnor in respect of each parcel of real property acquired by eminent domain or by consent under threat thereof, in addition to the fair market value of the property, a sum equal to the various expenditures actually and reasonably incurred by those with an interest or interests in said parcel in the process of evaluating the condemnor's offer to buy the same, but not to exceed a total of two hundred dollars. In the case of multiple interests in a parcel, the division of such sum shall be determined by the court or by agreement of the parties.

Eminent domain—Damages—Cost of appraisal—Limitation.

Sec. 2. Section 4, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.040 are each amended to read as follows:

RCW 8.25.040 amended.

Eminent do-
main—Dam-
ages—Moving
costs—Limita-
tion.

Any 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, as provided in this chapter, for the reasonable costs which he actually and necessarily incurred as a result of the acquisition in moving his personal property from the real property acquired, such costs to include dismantling, removing, packing, loading, transporting, unpacking and temporary storage not to exceed sixty days, 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.

New section.

Sec. 3. There is added to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW a new section to read as follows:

Additional
damages—
Attorney's
fees.

If a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the property being condemned and if the condemnee has offered to stipulate to an order of immediate possession of the property being condemned, the court may award the condemnee reasonable attorney's fees and reasonable expert witness fees actually incurred in the event of any of the following:

(1) If condemnor fails to make any written offer in settlement to condemnee at least thirty court days prior to commencement of said trial; or

(2) If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those condemnees appearing in the action by condemnor at least thirty days prior to commencement of said trial; or

(3) If, in the opinion of the trial court, condemnor has shown bad faith in its dealings with condemnee relative to the property condemned.

In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the property.

Sec. 4. There is added to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW a new section to read as follows: New section.

The provisions of chapter 125, Laws of 1965 extraordinary session and chapter 8.25 RCW, as amended and added to by this 1967 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. Application.

Passed the House April 23, 1967.

Passed the Senate April 21, 1967.

Approved by the Governor May 11, 1967.