

CHAPTER 129

[Engrossed Substitute House Bill No. 1416]
PRIVATE WAYS OF NECESSITY

AN ACT Relating to private ways of necessity; amending RCW 8.24.030; and adding new sections to chapter 8.24 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 8.24 RCW to read as follows:

In any proceeding for the condemnation of land for a private way of necessity, the owner of any land surrounding and contiguous to the property which land might contain a site for the private way of necessity may be joined as a party.

NEW SECTION. Sec. 2. A new section is added to chapter 8.24 RCW to read as follows:

If it is determined that an owner, or one entitled to the beneficial use of land, is entitled to a private way of necessity and it is determined that there is more than one possible route for the private way of necessity, the selection of the route shall be guided by the following priorities in the following order:

- (1) Nonagricultural and nonsilvicultural land shall be used if possible.
- (2) The least-productive land shall be used if it is necessary to cross agricultural land.
- (3) The relative benefits and burdens of the various possible routes shall be weighed to establish an equitable balance between the benefits to the land for which the private way of necessity is sought and the burdens to the land over which the private way of necessity is to run.

Sec. 3. Section 2, chapter 133, Laws of 1913 and RCW 8.24.030 are each amended to read as follows:

The procedure for the condemnation of land for a private way of necessity or for drains, flumes or ditches under the provisions of this chapter shall be the same as that provided for the condemnation of private property by railroad companies, but no private property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid as provided in the case of condemnation by railroad companies.

In any action brought under the provisions of this chapter for the condemnation of land for a private way of necessity, reasonable attorneys' fees

and expert witness costs may be allowed by the court to reimburse the condemnee.

Passed the House March 5, 1988.

Passed the Senate March 2, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.

CHAPTER 130

[Senate Bill No. 6297]

MEDICAL AID, ACCIDENT, AND RESERVE FUNDS—INVESTMENT POLICIES AND PROCEDURES

AN ACT Relating to investment of funds of the department of labor and industries; amending RCW 43.33A.110; creating a new section; and making appropriations.

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

Sec. 1. Section 11, chapter 3, Laws of 1981 as amended by section 4, chapter 219, Laws of 1981 and RCW 43.33A.110 are each amended to read as follows:

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, until July 1, 1989, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.18 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 2. At the start of the 1989 regular legislative session, the state investment board shall present to the financial institutions and insurance committee of the senate and the commerce and labor committee of the house of representatives, or the appropriate successor committees, a report recommending, where necessary, changes in current investment policies. The report shall study current investment needs of the department of labor and industries and casualty insurance industry investment policies; analyze statutory and regulatory constraints and the need to encourage stability in Washington's industrial insurance rates; and recommend investment policies for determination of asset allocation. The report shall include recommendations for appropriate accounting policies that will allow stabilization of rates and maximization of investment return and a plan making recommendations for investment of state industrial insurance funds in both equity and fixed investments.