
SENATE BILL 5188

State of Washington 64th Legislature 2015 Regular Session

By Senators Benton and Angel

Read first time 01/15/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to eminent domain; and adding a new chapter to
2 Title 8 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the United
5 States supreme court ruled in *Kelo v. City of New London*, 545 U.S.
6 524 (2005), that a city could use its power of eminent domain to
7 transfer property from one private owner to another for the purpose
8 of increasing tax revenues in the jurisdiction.

9 The legislature further finds that while Washington's
10 Constitution specifically forbids such transfers and states that
11 private property may not be taken for private use, Washington courts
12 have allowed private property taken through the eminent domain powers
13 of government to be transferred to uses that are in fact private in
14 nature.

15 The legislature therefore declares that government's use of
16 eminent domain in Washington should be restricted to uses that
17 protect public health and safety or provide public use facilities,
18 such as streets, roads, highways, street and road lighting systems,
19 traffic signals, transportation corridors, utility corridors, water
20 systems, storm and sanitary sewer systems, sewage treatment
21 facilities, landfills, park and recreational facilities, and schools.

1 NEW SECTION. **Sec. 2.** No government shall take or damage private
2 land or any interest in real property that is not to be used for the
3 construction of a public use facility or the provision of a public
4 service necessary to protect public health and safety.

5 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
6 new chapter in Title 8 RCW, to be codified at the beginning of Title
7 8 RCW.

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