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SENATE BILL 5532

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Benton, Holmquist, Rasmussen, Swecker, Roach, Hobbs, Oemig, Morton, Delvin, Keiser and Shin

Read first time 01/23/2007. Referred to Committee on Judiciary.

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 States  
5 Supreme Court ruled in the *Kelo* case that a city could use its power of  
6 eminent domain to transfer property from one private owner to another  
7 for the purpose of increasing tax revenues in the jurisdiction.

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

13            The legislature therefore declares that government's use of eminent  
14 domain in Washington should be restricted to uses that protect public  
15 health and safety or provide public use facilities, such as streets,  
16 roads, highways, street and road lighting systems, traffic signals,  
17 transportation corridors, utility corridors, water systems, storm and  
18 sanitary sewer systems, sewage treatment facilities, landfills, park  
19 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 8  
7    RCW.

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