
ENGROSSED SUBSTITUTE HOUSE BILL 2016

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, VanDeWege, Goodman, Simpson, Linville and Ormsby)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to eminent domain; amending RCW 8.25.010, 8.25.020,
2 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115,
3 43.82.010, 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040,
4 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new
5 sections to chapter 8.25 RCW; adding a new section to chapter 39.33
6 RCW; adding a new section to chapter 8.04 RCW; adding a new section to
7 chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a
8 new section to chapter 8.16 RCW; adding a new section to chapter 8.20
9 RCW; adding a new section to chapter 35.81 RCW; and creating a new
10 section.

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

12 **Sec. 1.** RCW 8.25.010 and 1965 ex.s. c 125 s 1 are each amended to
13 read as follows:

14 In all actions for the condemnation of property, or any interest
15 therein, at least thirty days prior to the date set for trial of such
16 action the condemnor shall serve on each condemnee who has made an
17 appearance in the action:

18 (1) A written statement showing the amount of total just

1 compensation to be paid in the event of settlement (~~on each condemnee~~
2 ~~who has made an appearance in the action~~);

3 (2) A written statement documenting the condemnor's consideration
4 of and reasons for rejecting alternatives to the condemnation sought or
5 to the nature or extent of the condemnation sought, including but not
6 limited to any reasonable alternative suggested in writing by a
7 condemnee at least sixty days prior to the date set for trial.

8 **Sec. 2.** RCW 8.25.020 and 1999 c 52 s 1 are each amended to read as
9 follows:

10 There shall be paid by the condemnor in respect of each parcel of
11 real property acquired by eminent domain or by consent under threat
12 thereof, in addition to the fair market value of the property, a sum
13 equal to the various expenditures actually and reasonably incurred by
14 those with an interest or interests in said parcel in the process of
15 evaluating the condemnor's offer to buy the same, but not to exceed (~~a~~
16 ~~total of seven hundred fifty dollars~~) the lesser of one percent of the
17 value of the parcel as determined by the condemnor's appraisal or five
18 thousand dollars. Such expenditures may include, but are not limited
19 to, reasonable fees of appraisers, attorneys, architects, engineers, or
20 other persons reasonably retained by the condemnee to evaluate the
21 offer. In the case of multiple interests in a parcel, the division of
22 such sum shall be determined by the court or by agreement of the
23 parties.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 8.25 RCW
25 to read as follows:

26 When real property is acquired through condemnation or under the
27 threat of condemnation, the owner of the property may retain an option
28 to repurchase the property in accordance with this section. If the
29 owner elects to retain such an option, it shall be a part of the
30 purchase and sale agreement or other agreement for the transfer of the
31 property to the acquiring entity. In addition, the option to
32 repurchase should be recorded in the real property records of the
33 county where the property is located. Failure to so record the option
34 will have the same effect as failure to record any other interest in
35 real property. In any condemnation proceeding to determine just
36 compensation for the taking of property in which the owner has retained

1 an option to repurchase, the amount of just compensation to be paid
2 shall be reduced by the value of the repurchase option. No repurchase
3 option shall be provided if the amount of just compensation paid by the
4 acquiring entity is not reduced by the value of the repurchase option.

5 (1) Any entity seeking to acquire real property through
6 condemnation or under the threat of condemnation must notify the owner
7 in writing of the right under this section to retain a repurchase
8 option. The notice must be given:

9 (a) In the case of the state or other entity operating under the
10 procedures of chapter 8.04 RCW, with the notice given under RCW
11 8.04.020;

12 (b) In the case of a county or other entity operating under the
13 procedures of chapter 8.08 RCW, with the notice given under RCW
14 8.08.030;

15 (c) In the case of a city, town, or other entity operating under
16 the procedures of chapter 8.12 RCW, with the summons served under RCW
17 8.12.070;

18 (d) In the case of a school district or other entity operating
19 under the procedures of chapter 8.16 RCW, with the notice given under
20 RCW 8.16.030;

21 (e) In the case of a corporation or other entity operating under
22 the procedures of chapter 8.20 RCW, with the notice given under RCW
23 8.20.020; and

24 (f) In the case of any other entity, with the service of process
25 commencing the action for condemnation.

26 (2) If, within seven years after the date real property was
27 transferred to an acquiring entity through or under the threat of
28 condemnation, the acquiring entity determines that all or a portion of
29 the property or an interest in the property is no longer necessary for
30 a public purpose and should be sold, a former owner who elected to
31 retain a repurchase option may exercise that option in accordance with
32 this section. "Former owner" means the person or persons from whom the
33 acquiring entity acquired title or that person's or those persons'
34 successors or assigns to the property or property interest that is
35 subject to the repurchase right.

36 (a) At least ninety days prior to the date on which the acquiring
37 entity will announce a public process for property disposition or, if
38 the sale is to be negotiated, at least ninety days prior to the date on

1 which a purchase and sale agreement or similar document is to be
2 signed, the acquiring entity shall (i) publish notice of its
3 determination to sell the property or a portion of the property in a
4 legal newspaper of general circulation in the area where the property
5 to be sold is located, (ii) describe generally any easements, other
6 restrictions, or reserved rights the acquiring entity intends to retain
7 upon sale, and (iii) mail notice of the determination to the former
8 owner of the property at the former owner's last known address or to a
9 forwarding address if that owner has provided the acquiring entity with
10 a forwarding address.

11 (b) If the former owner notifies the acquiring entity in writing
12 within thirty days of the date of notice provided under (a) of this
13 subsection that the former owner intends to exercise the repurchase
14 right granted by this section, the acquiring entity shall, unless it
15 already has a completed current independent appraisal for the property,
16 immediately arrange for an independent appraisal to determine the fair
17 market value of the property or portion of property subject to
18 repurchase, adjusted to reflect the value of any physical changes to
19 the property, such as improvements or removal of structures. Within
20 thirty days of receipt of the former owner's notice of intent to
21 exercise the repurchase right or following the acquiring entity's
22 receipt of the appraisal, the acquiring entity shall provide the former
23 owner with a written copy of the appraisal. All costs of appraisal
24 shall be paid by the acquiring entity. If the former owner does not
25 provide timely written notice to the acquiring entity of the intent to
26 exercise a repurchase right, that right is extinguished and the
27 acquiring entity is relieved of any further obligation under this
28 section.

29 (c) Within thirty days of the date the acquiring entity provides a
30 written copy of the appraisal to the former owner under (b) of this
31 subsection, the former owner may exercise the repurchase right granted
32 by this section by delivering to the acquiring entity earnest money or
33 a deposit in a form determined by the acquiring entity in an amount
34 equal to five percent of the appraised value, together with a written
35 promise to pay, within thirty days, the following:

36 (i) The lesser of (A) the appraised value less the earnest money or
37 deposit, or (B) an amount equal to the compensation received from the
38 acquiring entity when the property or portion of property was condemned

1 or sold under threat of condemnation, with interest accrued at the
2 market rate, and with the amount adjusted to reflect the value of any
3 physical changes to the property, such as improvements or removal of
4 structures, as determined by the independent appraisal, less the
5 earnest money or deposit; and

6 (ii) All required fees and costs otherwise required for the
7 transfer of real property.

8 (d) Upon receipt of the full payment required in (c) of this
9 subsection, the acquiring entity shall transfer title to the former
10 owner, subject to any easements, other restrictions, or reserved rights
11 retained by the acquiring entity. If the former owner fails to
12 complete the sale, the earnest money or deposit is forfeited to the
13 acquiring entity, the former owner's repurchase right is extinguished,
14 and the acquiring entity is relieved of any further obligation under
15 this section.

16 (e) In the event that the acquiring entity and the former owner
17 cannot agree on the amount of compensation paid for a portion of the
18 property under (c)(i)(B) of this subsection, the acquiring entity and
19 the former owner shall each arrange for an independent appraisal of the
20 just compensation allocation to the portion of the property to be sold.
21 If the acquiring entity and the former owner cannot then agree on the
22 amount, either party may initiate a lawsuit to determine the amount, or
23 they may agree to binding arbitration in which case the appraisals
24 shall be submitted to a third, independent appraiser. The third
25 appraiser shall sit as an arbitrator and determine the amount of just
26 compensation under (c)(i)(B) of this subsection. The arbitrator's
27 decision shall be final and binding. The acquiring entity and former
28 owner shall bear their own costs and fees, and pay equally the costs
29 and fees of the arbitrator.

30 (3) The acquiring entity may reject a notice of intent under
31 subsection (2)(b) of this section received from a person claiming to be
32 a successor or assignee that is not accompanied by evidence sufficient
33 to demonstrate that the person is the successor or assignee of the
34 person from whom the acquiring entity acquired title.

35 (4) The obligations imposed on an acquiring entity in this section
36 are in addition to any provided by law for the surplusing or sale of
37 public property to private parties. Nothing in this section precludes

1 an acquiring entity from retaining the property and determining not to
2 surplus and sell the property.

3 **Sec. 4.** RCW 28A.335.120 and 2006 c 263 s 913 are each amended to
4 read as follows:

5 (1) The board of directors of any school district of this state
6 may:

7 (a) Sell for cash, at public or private sale, and convey by deed
8 all interest of the district in or to any of the real property of the
9 district which is no longer required for school purposes; and

10 (b) Purchase real property for the purpose of locating thereon and
11 affixing thereto any house or houses and appurtenant buildings removed
12 from school sites owned by the district and sell for cash, at public or
13 private sale, and convey by deed all interest of the district in or to
14 such acquired and improved real property.

15 (2) When the board of directors of any school district proposes a
16 sale of school district real property pursuant to this section and the
17 value of the property exceeds seventy thousand dollars, the board shall
18 publish a notice of its intention to sell the property. The notice
19 shall be published at least once each week during two consecutive weeks
20 in a legal newspaper with a general circulation in the area in which
21 the school district is located. The notice shall describe the property
22 to be sold and designate the place where and the day and hour when a
23 hearing will be held. The board shall hold a public hearing upon the
24 proposal to dispose of the school district property at the place and
25 the day and hour fixed in the notice and admit evidence offered for and
26 against the propriety and advisability of the proposed sale.

27 (3) The board of directors of any school district desiring to sell
28 surplus real property shall publish a notice in a newspaper of general
29 circulation in the school district. School districts shall not sell
30 the property for at least forty-five days following the publication of
31 the newspaper notice.

32 (4) Private schools shall have the same rights as any other person
33 or entity to submit bids for the purchase of surplus real property and
34 to have such bids considered along with all other bids.

35 (5) Any sale of school district real property authorized pursuant
36 to this section shall be preceded by a market value appraisal by a
37 professionally designated real estate appraiser as defined in RCW

1 74.46.020 or a general real estate appraiser certified under chapter
2 18.140 RCW selected by the board of directors and no sale shall take
3 place if the sale price would be less than ninety percent of the
4 appraisal made by the real estate appraiser: PROVIDED, That if the
5 property has been on the market for one year or more the property may
6 be reappraised and sold for not less than seventy-five percent of the
7 reappraised value with the unanimous consent of the board.

8 (6) If in the judgment of the board of directors of any district
9 the sale of real property of the district not needed for school
10 purposes would be facilitated and greater value realized through use of
11 the services of licensed real estate brokers, a contract for such
12 services may be negotiated and concluded: PROVIDED, That the use of a
13 licensed real estate broker will not eliminate the obligation of the
14 board of directors to provide the notice described in this section:
15 PROVIDED FURTHER, That the fee or commissions charged for any broker
16 services shall not exceed seven percent of the resulting sale value for
17 a single parcel: PROVIDED FURTHER, That any professionally designated
18 real estate appraiser as defined in RCW 74.46.020 or a general real
19 estate appraiser certified under chapter 18.140 RCW selected by the
20 board to appraise the market value of a parcel of property to be sold
21 may not be a party to any contract with the school district to sell
22 such parcel of property for a period of three years after the
23 appraisal.

24 (7) If in the judgment of the board of directors of any district
25 the sale of real property of the district not needed for school
26 purposes would be facilitated and greater value realized through sale
27 on contract terms, a real estate sales contract may be executed between
28 the district and buyer.

29 (8) This section is subject to and operates only to the extent its
30 application is not inconsistent with the operation of section 3 of this
31 act with respect to property acquired through or under the threat of
32 condemnation.

33 **Sec. 5.** RCW 35.58.340 and 1993 c 240 s 9 are each amended to read
34 as follows:

35 Except as otherwise provided herein, a metropolitan municipal
36 corporation may sell, or otherwise dispose of any real or personal
37 property acquired in connection with any authorized metropolitan

1 function and which is no longer required for the purposes of the
2 metropolitan municipal corporation in the same manner as provided for
3 cities. When the metropolitan council determines that a metropolitan
4 facility or any part thereof which has been acquired from a component
5 city or county without compensation is no longer required for
6 metropolitan purposes, but is required as a local facility by the city
7 or county from which it was acquired, the metropolitan council shall by
8 resolution transfer it to such city or county. This section is subject
9 to and operates only to the extent its application is not inconsistent
10 with the operation of section 3 of this act with respect to property
11 acquired through or under the threat of condemnation.

12 **Sec. 6.** RCW 35.80A.030 and 1989 c 271 s 241 are each amended to
13 read as follows:

14 A county, city, or town may dispose of real property acquired
15 pursuant to this section to private persons only under such reasonable,
16 competitive procedures as it shall prescribe. The county, city, or
17 town may accept such proposals as it deems to be in the public interest
18 and in furtherance of the purposes of this chapter. Thereafter, the
19 county, city, or town may execute and deliver contracts, deeds, leases,
20 and other instruments of transfer. This section is subject to and
21 operates only to the extent its application is not inconsistent with
22 the operation of section 3 of this act with respect to property
23 acquired through or under the threat of condemnation.

24 **Sec. 7.** RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended
25 to read as follows:

26 Whenever a city shall determine, by resolution of its legislative
27 authority, that any lands, property, or equipment originally acquired
28 for public utility purposes is surplus to the city's needs and is not
29 required for providing continued public utility service, then such
30 legislative authority by resolution and after a public hearing may
31 cause such lands, property, or equipment to be leased, sold, or
32 conveyed. Such resolution shall state the fair market value or the
33 rent or consideration to be paid and such other terms and conditions
34 for such disposition as the legislative authority deems to be in the
35 best public interest.

1 The provisions of RCW 35.94.020 and 35.94.030 shall not apply to
2 dispositions authorized by this section.

3 This section is subject to and operates only to the extent its
4 application is not inconsistent with the operation of section 3 of this
5 act with respect to property acquired through or under the threat of
6 condemnation.

7 **Sec. 8.** RCW 36.68.010 and 1963 c 4 s 36.68.010 are each amended to
8 read as follows:

9 Counties may establish park and playground systems for public
10 recreational purposes and for such purposes shall have the power to
11 acquire lands, buildings and other facilities by gift, purchase, lease,
12 devise, bequest and condemnation. A county may lease or sell any park
13 property, buildings or facilities surplus to its needs, or no longer
14 suitable for park purposes: PROVIDED, That such park property shall be
15 subject to the requirements and provisions of notice, hearing, bid or
16 intergovernmental transfer as provided in chapter 36.34 RCW: PROVIDED
17 FURTHER, That nothing in this section shall be construed as authorizing
18 any county to sell any property which such county acquired by
19 condemnation for park or playground or other public recreational
20 purposes on or after January 1, 1960, until held for five years or more
21 after such acquisition: PROVIDED FURTHER, That funds acquired from the
22 lease or sale of any park property, buildings or facilities shall be
23 placed in the park and recreation fund to be used for capital purposes.
24 This section is subject to and operates only to the extent its
25 application is not inconsistent with the operation of section 3 of this
26 act with respect to property acquired through or under the threat of
27 condemnation.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 39.33 RCW
29 to read as follows:

30 This chapter is subject to and operates only to the extent its
31 application is not inconsistent with the operation of section 3 of this
32 act with respect to property acquired through or under the threat of
33 condemnation.

34 **Sec. 10.** RCW 43.43.115 and 1993 c 438 s 1 are each amended to read
35 as follows:

1 Whenever real property owned by the state of Washington and under
2 the jurisdiction of the Washington state patrol is no longer required,
3 it may be sold at fair market value. All proceeds received from the
4 sale of real property, less any real estate broker commissions, shall
5 be deposited into the state patrol highway account: PROVIDED, That if
6 accounts or funds other than the state patrol highway account have
7 contributed to the purchase or improvement of the real property, the
8 office of financial management shall determine the proportional equity
9 of each account or fund in the property and improvements, and shall
10 direct the proceeds to be deposited proportionally therein. This
11 section is subject to and operates only to the extent its application
12 is not inconsistent with the operation of section 3 of this act with
13 respect to property acquired through or under the threat of
14 condemnation.

15 **Sec. 11.** RCW 43.82.010 and 2004 c 277 s 906 are each amended to
16 read as follows:

17 (1) The director of general administration, on behalf of the agency
18 involved, shall purchase, lease, lease purchase, rent, or otherwise
19 acquire all real estate, improved or unimproved, as may be required by
20 elected state officials, institutions, departments, commissions,
21 boards, and other state agencies, or federal agencies where joint state
22 and federal activities are undertaken and may grant easements and
23 transfer, exchange, sell, lease, or sublease all or part of any surplus
24 real estate for those state agencies which do not otherwise have the
25 specific authority to dispose of real estate. This section does not
26 transfer financial liability for the acquired property to the
27 department of general administration.

28 (2) Except for real estate occupied by federal agencies, the
29 director shall determine the location, size, and design of any real
30 estate or improvements thereon acquired or held pursuant to subsection
31 (1) of this section. Facilities acquired or held pursuant to this
32 chapter, and any improvements thereon, shall conform to standards
33 adopted by the director and approved by the office of financial
34 management governing facility efficiency unless a specific exemption
35 from such standards is provided by the director of general
36 administration. The director of general administration shall report to

1 the office of financial management annually on any exemptions granted
2 pursuant to this subsection.

3 (3) The director of general administration may fix the terms and
4 conditions of each lease entered into under this chapter, except that
5 no lease shall extend greater than twenty years in duration. The
6 director of general administration may enter into a long-term lease
7 greater than ten years in duration upon a determination by the director
8 of the office of financial management that the long-term lease provides
9 a more favorable rate than would otherwise be available, it appears to
10 a substantial certainty that the facility is necessary for use by the
11 state for the full length of the lease term, and the facility meets the
12 standards adopted pursuant to subsection (2) of this section. The
13 director of general administration may enter into a long-term lease
14 greater than ten years in duration if an analysis shows that the life-
15 cycle cost of leasing the facility is less than the life-cycle cost of
16 purchasing or constructing a facility in lieu of leasing the facility.
17 For the 2003-05 biennium, any lease entered into after April 1, 2004,
18 with a term of ten years or less shall not contain a nonappropriation
19 clause.

20 (4) Except as permitted under chapter 39.94 RCW, no lease for or on
21 behalf of any state agency may be used or referred to as collateral or
22 security for the payment of securities offered for sale through a
23 public offering. Except as permitted under chapter 39.94 RCW, no lease
24 for or on behalf of any state agency may be used or referred to as
25 collateral or security for the payment of securities offered for sale
26 through a private placement without the prior written approval of the
27 state treasurer. However, this limitation shall not prevent a lessor
28 from assigning or encumbering its interest in a lease as security for
29 the repayment of a promissory note provided that the transaction would
30 otherwise be an exempt transaction under RCW 21.20.320. The state
31 treasurer shall adopt rules that establish the criteria under which any
32 such approval may be granted. In establishing such criteria the state
33 treasurer shall give primary consideration to the protection of the
34 state's credit rating and the integrity of the state's debt management
35 program. If it appears to the state treasurer that any lease has been
36 used or referred to in violation of this subsection or rules adopted
37 under this subsection, then he or she may recommend that the governor
38 cause such lease to be terminated. The department of general

1 administration shall promptly notify the state treasurer whenever it
2 may appear to the department that any lease has been used or referred
3 to in violation of this subsection or rules adopted under this
4 subsection.

5 (5) It is the policy of the state to encourage the colocation and
6 consolidation of state services into single or adjacent facilities,
7 whenever appropriate, to improve public service delivery, minimize
8 duplication of facilities, increase efficiency of operations, and
9 promote sound growth management planning.

10 (6) The director of general administration shall provide
11 coordinated long-range planning services to identify and evaluate
12 opportunities for colocating and consolidating state facilities. Upon
13 the renewal of any lease, the inception of a new lease, or the purchase
14 of a facility, the director of general administration shall determine
15 whether an opportunity exists for colocating the agency or agencies in
16 a single facility with other agencies located in the same geographic
17 area. If a colocation opportunity exists, the director of general
18 administration shall consult with the affected state agencies and the
19 office of financial management to evaluate the impact colocation would
20 have on the cost and delivery of agency programs, including whether
21 program delivery would be enhanced due to the centralization of
22 services. The director of general administration, in consultation with
23 the office of financial management, shall develop procedures for
24 implementing colocation and consolidation of state facilities.

25 (7) The director of general administration is authorized to
26 purchase, lease, rent, or otherwise acquire improved or unimproved real
27 estate as owner or lessee and to lease or sublet all or a part of such
28 real estate to state or federal agencies. The director of general
29 administration shall charge each using agency its proportionate rental
30 which shall include an amount sufficient to pay all costs, including,
31 but not limited to, those for utilities, janitorial and accounting
32 services, and sufficient to provide for contingencies; which shall not
33 exceed five percent of the average annual rental, to meet unforeseen
34 expenses incident to management of the real estate.

35 (8) If the director of general administration determines that it is
36 necessary or advisable to undertake any work, construction, alteration,
37 repair, or improvement on any real estate acquired pursuant to
38 subsection (1) or (7) of this section, the director shall cause plans

1 and specifications thereof and an estimate of the cost of such work to
2 be made and filed in his or her office and the state agency benefiting
3 thereby is hereby authorized to pay for such work out of any available
4 funds: PROVIDED, That the cost of executing such work shall not exceed
5 the sum of twenty-five thousand dollars. Work, construction,
6 alteration, repair, or improvement in excess of twenty-five thousand
7 dollars, other than that done by the owner of the property if other
8 than the state, shall be performed in accordance with the public works
9 law of this state.

10 (9) In order to obtain maximum utilization of space, the director
11 of general administration shall make space utilization studies, and
12 shall establish standards for use of space by state agencies. Such
13 studies shall include the identification of opportunities for
14 colocation and consolidation of state agency office and support
15 facilities.

16 (10) The director of general administration may construct new
17 buildings on, or improve existing facilities, and furnish and equip,
18 all real estate under his or her management. Prior to the construction
19 of new buildings or major improvements to existing facilities or
20 acquisition of facilities using a lease purchase contract, the director
21 of general administration shall conduct an evaluation of the facility
22 design and budget using life-cycle cost analysis, value-engineering,
23 and other techniques to maximize the long-term effectiveness and
24 efficiency of the facility or improvement.

25 (11) All conveyances and contracts to purchase, lease, rent,
26 transfer, exchange, or sell real estate and to grant and accept
27 easements shall be approved as to form by the attorney general, signed
28 by the director of general administration or the director's designee,
29 and recorded with the county auditor of the county in which the
30 property is located.

31 (12) The director of general administration may delegate any or all
32 of the functions specified in this section to any agency upon such
33 terms and conditions as the director deems advisable.

34 (13) This section does not apply to the acquisition of real estate
35 by:

36 (a) The state college and universities for research or experimental
37 purposes;

1 (b) The state liquor control board for liquor stores and
2 warehouses; and

3 (c) The department of natural resources, the department of fish and
4 wildlife, the department of transportation, and the state parks and
5 recreation commission for purposes other than the leasing of offices,
6 warehouses, and real estate for similar purposes.

7 (14) Notwithstanding any provision in this chapter to the contrary,
8 the department of general administration may negotiate ground leases
9 for public lands on which property is to be acquired under a financing
10 contract pursuant to chapter 39.94 RCW under terms approved by the
11 state finance committee.

12 (15) This section is subject to and operates only to the extent its
13 application is not inconsistent with the operation of section 3 of this
14 act with respect to property acquired through or under the threat of
15 condemnation.

16 **Sec. 12.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
17 as follows:

18 (1) It is the intent of the legislature to continue the
19 department's policy giving priority consideration to abutting property
20 owners in agricultural areas when disposing of property through its
21 surplus property program under this section.

22 (2) Whenever the department determines that any real property owned
23 by the state of Washington and under the jurisdiction of the department
24 is no longer required for transportation purposes and that it is in the
25 public interest to do so, the department may sell the property or
26 exchange it in full or part consideration for land or improvements or
27 for construction of improvements at fair market value to any of the
28 following governmental entities or persons:

29 (a) Any other state agency;

30 (b) The city or county in which the property is situated;

31 (c) Any other municipal corporation;

32 (d) Regional transit authorities created under chapter 81.112 RCW;

33 (e) The former owner of the property from whom the state acquired
34 title;

35 (f) In the case of residentially improved property, a tenant of the
36 department who has resided thereon for not less than six months and who
37 is not delinquent in paying rent to the state;

1 (g) Any abutting private owner but only after each other abutting
2 private owner (if any), as shown in the records of the county assessor,
3 is notified in writing of the proposed sale. If more than one abutting
4 private owner requests in writing the right to purchase the property
5 within fifteen days after receiving notice of the proposed sale, the
6 property shall be sold at public auction in the manner provided in RCW
7 47.12.283;

8 (h) To any person through the solicitation of written bids through
9 public advertising in the manner prescribed by RCW 47.28.050;

10 (i) To any other owner of real property required for transportation
11 purposes;

12 (j) In the case of property suitable for residential use, any
13 nonprofit organization dedicated to providing affordable housing to
14 very low-income, low-income, and moderate-income households as defined
15 in RCW 43.63A.510 and is eligible to receive assistance through the
16 Washington housing trust fund created in chapter 43.185 RCW; or

17 (k) A federally recognized Indian tribe within whose reservation
18 boundary the property is located.

19 (3) Sales to purchasers may at the department's option be for cash,
20 by real estate contract, or exchange of land or improvements.
21 Transactions involving the construction of improvements must be
22 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
23 and must comply with all other applicable laws and rules.

24 (4) Conveyances made pursuant to this section shall be by deed
25 executed by the secretary of transportation and shall be duly
26 acknowledged.

27 (5) Unless otherwise provided, all moneys received pursuant to the
28 provisions of this section less any real estate broker commissions paid
29 pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

30 (6) This section is subject to and operates only to the extent its
31 application is not inconsistent with the operation of section 3 of this
32 act with respect to property acquired through or under the threat of
33 condemnation.

34 **Sec. 13.** RCW 47.12.283 and 1979 ex.s. c 189 s 1 are each amended
35 to read as follows:

36 (1) Whenever the department of transportation determines that any
37 real property owned by the state of Washington and under the

1 jurisdiction of the department is no longer required for highway
2 purposes and that it is in the public interest to do so, the department
3 may, in its discretion, sell the property under RCW 47.12.063 or under
4 subsections (2) through (6) of this section.

5 (2) Whenever the department determines to sell real property under
6 its jurisdiction at public auction, the department shall first give
7 notice thereof by publication on the same day of the week for two
8 consecutive weeks, with the first publication at least two weeks prior
9 to the date of the auction, in a legal newspaper of general circulation
10 in the area where the property to be sold is located. The notice shall
11 be placed in both the legal notices section and the real estate
12 classified section of the newspaper. The notice shall contain a
13 description of the property, the time and place of the auction, and the
14 terms of the sale. The sale may be for cash or by real estate
15 contract.

16 (3) The department shall sell the property at the public auction,
17 in accordance with the terms set forth in the notice, to the highest
18 and best bidder providing the bid is equal to or higher than the
19 appraised fair market value of the property.

20 (4) If no bids are received at the auction or if all bids are
21 rejected, the department may, in its discretion, enter into
22 negotiations for the sale of the property or may list the property with
23 a licensed real estate broker. No property shall be sold by
24 negotiations or through a broker for less than the property's appraised
25 fair market value. Any offer to purchase real property pursuant to
26 this subsection shall be in writing and may be rejected at any time
27 prior to written acceptance by the department.

28 (5) Before the department shall approve any offer for the purchase
29 of real property having an appraised value of more than ten thousand
30 dollars, pursuant to subsection (4) of this section, the department
31 shall first publish a notice of the proposed sale in a local newspaper
32 of general circulation in the area where the property is located. The
33 notice shall include a description of the property, the selling price,
34 the terms of the sale, including the price and interest rate if sold by
35 real estate contract, and the name and address of the department
36 employee or the real estate broker handling the transaction. The
37 notice shall further state that any person may, within ten days after
38 the publication of the notice, deliver to the designated state employee

1 or real estate broker a written offer to purchase the property for not
2 less than ten percent more than the negotiated sale price, subject to
3 the same terms and conditions. A subsequent offer shall not be
4 considered unless it is accompanied by a deposit of twenty percent of
5 the offer in the form of cash, money order, cashiers check, or
6 certified check payable to the Washington state treasurer, to be
7 forfeited to the state (for deposit in the motor vehicle fund) if the
8 offeror fails to complete the sale if the offeror's offer is accepted.
9 If a subsequent offer is received, the first offeror shall be informed
10 by registered or certified mail sent to the address stated in his
11 offer. The first offeror shall then have ten days, from the date of
12 mailing the notice of the increased offer, in which to file with the
13 designated state employee or real estate broker a higher offer than
14 that of the subsequent offeror. After the expiration of the ten day
15 period, the department shall approve in writing the highest and best
16 offer which the department then has on file.

17 (6) All moneys received pursuant to this section, less any real
18 estate broker's commissions paid pursuant to RCW 47.12.320, shall be
19 deposited in the motor vehicle fund.

20 (7) This section is subject to and operates only to the extent its
21 application is not inconsistent with the operation of section 3 of this
22 act with respect to property acquired through or under the threat of
23 condemnation.

24 **Sec. 14.** RCW 47.52.050 and 1971 ex.s. c 39 s 1 are each amended to
25 read as follows:

26 (1) For the purpose of this chapter the highway authorities of the
27 state, counties and incorporated cities and towns, respectively, or in
28 cooperation one with the other, may acquire private or public property
29 and property rights for limited access facilities and service roads,
30 including rights of access, air, view and light, by gift, devise,
31 purchase, or condemnation, in the same manner as such authorities are
32 now or hereafter may be authorized by law to acquire property or
33 property rights in connection with highways and streets within their
34 respective jurisdictions. Except as otherwise provided in subsection
35 (2) of this section all property rights acquired under the provisions
36 of this chapter shall be in fee simple. In the acquisition of property
37 or property rights for any limited access facility or portion thereof,

1 or for any service road in connection therewith, the state, county,
2 incorporated city and town authority may, in its discretion, acquire an
3 entire lot, block or tract of land, if by so doing the interest of the
4 public will be best served, even though said entire lot, block or tract
5 is not immediately needed for the limited access facility. This
6 subsection is subject to and operates only to the extent its
7 application is not inconsistent with the operation of section 3 of this
8 act with respect to property acquired through or under the threat of
9 condemnation.

10 (2) The highway authorities of the state, counties, and
11 incorporated cities and towns may acquire by gift, devise, purchase, or
12 condemnation a three dimensional air space corridor in fee simple over
13 or below the surface of the ground, together with such other property
14 in fee simple and other property rights as are needed for the
15 construction and operation of a limited access highway facility, but
16 only if the acquiring authority finds that the proposal will not:

17 (a) impair traffic safety on the highway or interfere with the free
18 flow of traffic; or

19 (b) permit occupancy or use of the air space above or below the
20 highway which is hazardous to the operation of the highway.

21 **Sec. 15.** RCW 53.08.090 and 1994 c 26 s 1 are each amended to read
22 as follows:

23 (1) A port commission may, by resolution, authorize the managing
24 official of a port district to sell and convey port district property
25 of ten thousand dollars or less in value. The authority shall be in
26 force for not more than one calendar year from the date of resolution
27 and may be renewed from year to year. Prior to any such sale or
28 conveyance the managing official shall itemize and list the property to
29 be sold and make written certification to the commission that the
30 listed property is no longer needed for district purposes. Any large
31 block of the property having a value in excess of ten thousand dollars
32 shall not be broken down into components of ten thousand dollars or
33 less value and sold in the smaller components unless the smaller
34 components be sold by public competitive bid. A port district may sell
35 and convey any of its real or personal property valued at more than ten
36 thousand dollars when the port commission has, by resolution, declared
37 the property to be no longer needed for district purposes, but no

1 property which is a part of the comprehensive plan of improvement or
2 modification thereof shall be disposed of until the comprehensive plan
3 has been modified to find the property surplus to port needs. The
4 comprehensive plan shall be modified only after public notice and
5 hearing provided by RCW 53.20.010.

6 Nothing in this section shall be deemed to repeal or modify
7 procedures for property sales within industrial development districts
8 as set forth in chapter 53.25 RCW.

9 (2) The ten thousand dollar figures in subsection (1) of this
10 section shall be adjusted annually based upon the governmental price
11 index established by the department of revenue under RCW 82.14.200.

12 (3) This section is subject to and operates only to the extent its
13 application is not inconsistent with the operation of section 3 of this
14 act with respect to property acquired through or under the threat of
15 condemnation.

16 **Sec. 16.** RCW 53.25.040 and 1989 c 167 s 1 are each amended to read
17 as follows:

18 (1) A port commission may, after a public hearing thereon, of which
19 at least ten days' notice shall be published in a newspaper of general
20 circulation in the port district, create industrial development
21 districts within the district and define the boundaries thereof, if it
22 finds that the creation of the industrial development district is
23 proper and desirable in establishing and developing a system of harbor
24 improvements and industrial development in the port district.

25 (2) The boundaries of an industrial development district created by
26 subsection (1) of this section may be revised from time to time by
27 resolution of the port commission, to delete land area therefrom, if
28 the land area to be deleted was acquired by the port district with its
29 own funds or by gift or transfer other than pursuant to RCW 53.25.050
30 or 53.25.060.

31 As to any land area to be deleted under this subsection that was
32 acquired or improved by the port district with funds obtained through
33 RCW 53.36.100, the port district shall deposit funds equal to the fair
34 market value of the lands and improvements into the fund for future use
35 described in RCW 53.36.100 and such funds shall be thereafter subject
36 to RCW 53.36.100. The fair market value of the land and improvements
37 shall be determined as of the effective date of the port commission

1 action deleting the land from the industrial development district and
2 shall be determined by an average of at least two independent
3 appraisals by professionally designated real estate appraisers as
4 defined in RCW 74.46.020 or licensed real estate brokers. The funds
5 shall be deposited into the fund for future use described in RCW
6 53.36.100 within ninety days of the effective date of the port
7 commission action deleting the land area from the industrial district.
8 Land areas deleted from an industrial development district under this
9 subsection shall not be further subject to the provisions of this
10 chapter. This subsection shall apply to presently existing and future
11 industrial development districts. Land areas deleted from an
12 industrial development district under this subsection that were
13 included within such district for less than two years, if the port
14 district acquired the land through condemnation or as a consequence of
15 threatened condemnation, shall be offered for sale, for cash, at the
16 appraised price, to the former owner of the property from whom the
17 district obtained title. Such offer shall be made by certified or
18 registered letter to the last known address of the former owner. The
19 letter shall include the appraised price of the property and notice
20 that the former owner must respond in writing within thirty days or
21 lose the right to purchase. If this right to purchase is exercised,
22 the sale shall be closed by midnight of the sixtieth day, including
23 nonbusiness days, following close of the thirty-day period. This
24 section is subject to and operates only to the extent its application
25 is not inconsistent with the operation of section 3 of this act with
26 respect to property acquired through or under the threat of
27 condemnation.

28 **Sec. 17.** RCW 70.44.300 and 1997 c 332 s 17 are each amended to
29 read as follows:

30 (1) The board of commissioners of any public hospital district may
31 sell and convey at public or private sale real property of the district
32 if the board determines by resolution that the property is no longer
33 required for public hospital district purposes or determines by
34 resolution that the sale of the property will further the purposes of
35 the public hospital district.

36 (2) Any sale of district real property authorized pursuant to this
37 section shall be preceded, not more than one year prior to the date of

1 sale, by market value appraisals by three licensed real estate brokers
2 or professionally designated real estate appraisers as defined in RCW
3 74.46.020 or three independent experts in valuing health care property,
4 selected by the board of commissioners, and no sale shall take place if
5 the sale price would be less than ninety percent of the average of such
6 appraisals.

7 (3) When the board of commissioners of any public hospital district
8 proposes a sale of district real property pursuant to this section and
9 the value of the property exceeds one hundred thousand dollars, the
10 board shall publish a notice of its intention to sell the property.
11 The notice shall be published at least once each week during two
12 consecutive weeks in a legal newspaper of general circulation within
13 the public hospital district. The notice shall describe the property
14 to be sold and designate the place where and the day and hour when a
15 hearing will be held. The board shall hold a public hearing upon the
16 proposal to dispose of the public hospital district property at the
17 place and the day and hour fixed in the notice and consider evidence
18 offered for and against the propriety and advisability of the proposed
19 sale.

20 (4) If in the judgment of the board of commissioners of any
21 district the sale of any district real property not needed for public
22 hospital district purposes would be facilitated and greater value
23 realized through use of the services of licensed real estate brokers,
24 a contract for such services may be negotiated and concluded. The fee
25 or commissions charged for any broker service shall not exceed seven
26 percent of the resulting sale price for a single parcel. No licensed
27 real estate broker or professionally designated real estate appraisers
28 as defined in RCW 74.46.020 or independent expert in valuing health
29 care property selected by the board to appraise the market value of a
30 parcel of property to be sold may be a party to any contract with the
31 public hospital district to sell such property for a period of three
32 years after the appraisal.

33 (5) This section is subject to and operates only to the extent its
34 application is not inconsistent with the operation of section 3 of this
35 act with respect to property acquired through or under the threat of
36 condemnation.

1 **Sec. 18.** RCW 79.36.330 and 2004 c 199 s 217 are each amended to
2 read as follows:

3 In the event the department should determine that the property
4 interests acquired under the authority of this chapter are no longer
5 necessary for the purposes for which they were acquired, the department
6 shall dispose of the same in the following manner, when in the
7 discretion of the department it is to the best interests of the state
8 of Washington to do so, except that property purchased with educational
9 funds or held in trust for educational purposes shall be sold only in
10 the same manner as are state lands:

11 (1) Where the state property necessitating the acquisition of
12 private property interests for access purposes under authority of this
13 chapter is sold or exchanged, the acquired property interests may be
14 sold or exchanged as an appurtenance of the state property when it is
15 determined by the department that sale or exchange of the state
16 property and acquired property interests as one parcel is in the best
17 interests of the state.

18 (2) If the acquired property interests are not sold or exchanged as
19 provided in subsection (1) of this section, the department shall notify
20 the person or persons from whom the property interest was acquired,
21 stating that the property interests are to be sold, and that the person
22 or persons shall have the right to purchase the same at the appraised
23 price. The notice shall be given by registered letter or certified
24 mail, return receipt requested, mailed to the last known address of the
25 person or persons. If the address of the person or persons is unknown,
26 the notice shall be published twice in an official newspaper of general
27 circulation in the county where the lands or a portion thereof is
28 located. The second notice shall be published not less than ten nor
29 more than thirty days after the notice is first published. The person
30 or persons shall have thirty days after receipt of the registered
31 letter or five days after the last date of publication, as the case may
32 be, to notify the department, in writing, of their intent to purchase
33 the offered property interest. The purchaser shall include with his or
34 her notice of intention to purchase, cash payment, certified check, or
35 money order in an amount not less than one-third of the appraised
36 price. No instrument conveying property interests shall issue from the
37 department until the full price of the property is received by the

1 department. All costs of publication required under this section shall
2 be added to the appraised price and collected by the department upon
3 sale of the property interests.

4 (3) If the property interests are not sold or exchanged as provided
5 in subsections (1) and (2) of this section, the department shall notify
6 the owners of land abutting the property interests in the same manner
7 as provided in subsection (2) of this section and their notice of
8 intent to purchase shall be given in the manner and in accordance with
9 the same time limits as are set forth in subsection (2) of this
10 section. However, if more than one abutting owner gives notice of
11 intent to purchase the property interests, the department shall
12 apportion them in relation to the lineal footage bordering each side of
13 the property interests to be sold, and apportion the costs to the
14 interested purchasers in relation thereto. Further, no sale is
15 authorized by this section unless the department is satisfied that the
16 amounts to be received from the several purchasers will equal or exceed
17 the appraised price of the entire parcel plus any costs of publishing
18 notices.

19 (4) If no sale or exchange is consummated as provided in
20 subsections (1) through (3) of this section, the department shall sell
21 the properties in the same manner as state lands are sold.

22 (5) Any disposal of property interests authorized by this chapter
23 shall be subject to any existing rights previously granted by the
24 department.

25 (6) This section is subject to and operates only to the extent its
26 application is not inconsistent with the operation of section 3 of this
27 act with respect to property acquired through or under the threat of
28 condemnation.

29 **Sec. 19.** RCW 80.28.230 and 1961 c 14 s 80.28.230 are each amended
30 to read as follows:

31 Any property or interest acquired as provided in RCW 80.28.220
32 shall be used exclusively for the purposes for which it was acquired:
33 PROVIDED, HOWEVER, That if any such property be sold or otherwise
34 disposed of by said corporations, such sale or disposition shall be by
35 public sale or disposition and advertised in the manner of public sales
36 in the county where such property is located. This section is subject

1 to and operates only to the extent its application is not inconsistent
2 with the operation of section 3 of this act with respect to property
3 acquired through or under the threat of condemnation.

4 **Sec. 20.** RCW 80.40.030 and 1963 c 201 s 4 are each amended to read
5 as follows:

6 Any natural gas company having received an order under RCW
7 80.40.040 shall have the right of eminent domain to be exercised in the
8 manner provided in and subject to the provisions of chapter 8.20 RCW to
9 acquire for its use for the underground storage of natural gas any
10 underground reservoir, as well as such other property or interests in
11 property as may be required to adequately maintain and utilize the
12 underground reservoir for the underground storage of natural gas,
13 including easements and rights of way for access to and egress from the
14 underground storage reservoir. The right of eminent domain granted
15 hereby shall apply to property or property interests held in private
16 ownership, provided condemnor has exercised good faith in negotiations
17 for private sale or lease. No property shall be taken or damaged until
18 the compensation to be made therefor shall have been ascertained and
19 paid. Any property or interest therein so acquired by any natural gas
20 company shall be used exclusively for the purposes for which it was
21 acquired. Any decree of appropriation hereunder shall define and limit
22 the rights condemned and shall provide for the reversion of such rights
23 to the defendant or defendants or their successors in interest upon
24 abandonment of the underground storage project. Good faith exploration
25 work or development work relative to the storage reservoir is
26 conclusive evidence that its use has not been abandoned. The court may
27 include in such decree such other relevant conditions, covenants and
28 restrictions as it may deem fair and equitable. This section is
29 subject to and operates only to the extent its application is not
30 inconsistent with the operation of section 3 of this act with respect
31 to property acquired through or under the threat of condemnation.

32 **Sec. 21.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
33 read as follows:

34 An authority shall have the following powers in addition to the
35 general powers granted by this chapter:

1 (1) To carry out the planning processes set forth in RCW
2 81.104.100;

3 (2) To acquire by purchase, condemnation, gift, or grant and to
4 lease, construct, add to, improve, replace, repair, maintain, operate,
5 and regulate the use of high capacity transportation facilities and
6 properties within authority boundaries including surface, underground,
7 or overhead railways, tramways, busways, buses, bus sets, entrained and
8 linked buses, ferries, or other means of local transportation except
9 taxis, and including escalators, moving sidewalks, personal rapid
10 transit systems or other people-moving systems, passenger terminal and
11 parking facilities and properties, and such other facilities and
12 properties as may be necessary for passenger, vehicular, and vessel
13 access to and from such people-moving systems, terminal and parking
14 facilities and properties, together with all lands, rights of way,
15 property, equipment, and accessories necessary for such high capacity
16 transportation systems. When developing specifications for high
17 capacity transportation system operating equipment, an authority shall
18 take into account efforts to establish or sustain a domestic
19 manufacturing capacity for such equipment. The right of eminent domain
20 shall be exercised by an authority in the same manner and by the same
21 procedure as or may be provided by law for cities of the first class,
22 except insofar as such laws may be inconsistent with the provisions of
23 this chapter. Public transportation facilities and properties which
24 are owned by any city, county, county transportation authority, public
25 transportation benefit area, or metropolitan municipal corporation may
26 be acquired or used by an authority only with the consent of the agency
27 owning such facilities. Such agencies are hereby authorized to convey
28 or lease such facilities to an authority or to contract for their joint
29 use on such terms as may be fixed by agreement between the agency and
30 the authority.

31 The facilities and properties of an authority whose vehicles will
32 operate primarily within the rights of way of public streets, roads, or
33 highways, may be acquired, developed, and operated without the corridor
34 and design hearings that are required by RCW 35.58.273 for mass transit
35 facilities operating on a separate right of way;

36 (3) To dispose of any real or personal property acquired in
37 connection with any authority function and that is no longer required
38 for the purposes of the authority, in the same manner as provided for

1 cities of the first class. When an authority determines that a
2 facility or any part thereof that has been acquired from any public
3 agency without compensation is no longer required for authority
4 purposes, but is required by the agency from which it was acquired, the
5 authority shall by resolution transfer it to such agency. This
6 subsection is subject to and operates only to the extent its
7 application is not inconsistent with the operation of section 3 of this
8 act with respect to property acquired through or under the threat of
9 condemnation;

10 (4) To fix rates, tolls, fares, and charges for the use of such
11 facilities and to establish various routes and classes of service.
12 Fares or charges may be adjusted or eliminated for any distinguishable
13 class of users.

14 NEW SECTION. Sec. 22. A new section is added to chapter 8.04 RCW
15 to read as follows:

16 (1) No public entity that is subject to this chapter or that
17 derives authority from this chapter may take private property solely
18 for the purpose of economic development.

19 (2) For the purposes of this section, "economic development" means
20 the acquisition or use of real property to increase tax revenue, tax
21 base, employment, or economic health. For the purposes of this
22 section, "economic development" does not include the acquisition or use
23 of real property for the primary purpose of:

24 (a) The transfer of real property to public ownership;

25 (b) The transfer of real property to a private entity that is a
26 common carrier, such as a utility or railroad;

27 (c) The transfer of real property to a private entity when
28 acquisition or appropriation is necessary to remove a threat to public
29 health or safety based on the present condition and use of the real
30 property;

31 (d) The transfer of real property to a private entity when
32 acquisition or appropriation is necessary for the removal of unsanitary
33 or unsafe conditions, conditions that endanger life or property by fire
34 or other causes, conditions conducive to ill health, transmission of
35 disease, infant mortality, juvenile delinquency and crime, hazardous
36 soils, substances, or materials, or conditions detrimental to or

1 constituting a menace to the public health, safety, welfare, and morals
2 in its present condition and use;

3 (e) The transfer of real property to a private entity when
4 acquisition or appropriation is necessary for the acquisition of
5 abandoned property; or

6 (f) The lease of real property to a private entity that occupies an
7 area within a public project or facility.

8 (3) This section does not apply to port districts or to common
9 carriers such as utilities and railroads and does not by implication
10 increase, decrease, or alter the powers of eminent domain of those
11 districts or common carriers.

12 NEW SECTION. **Sec. 23.** A new section is added to chapter 8.08 RCW
13 to read as follows:

14 (1) No public entity that is subject to this chapter or that
15 derives authority from this chapter may take private property solely
16 for the purpose of economic development.

17 (2) For the purposes of this section, "economic development" means
18 the acquisition or use of real property to increase tax revenue, tax
19 base, employment, or economic health. For the purposes of this
20 section, "economic development" does not include the acquisition or use
21 of real property for the primary purpose of:

22 (a) The transfer of real property to public ownership;

23 (b) The transfer of real property to a private entity that is a
24 common carrier, such as a utility or railroad;

25 (c) The transfer of real property to a private entity when
26 acquisition or appropriation is necessary to remove a threat to public
27 health or safety based on the present condition and use of the real
28 property;

29 (d) The transfer of real property to a private entity when
30 acquisition or appropriation is necessary for the removal of unsanitary
31 or unsafe conditions, conditions that endanger life or property by fire
32 or other causes, conditions conducive to ill health, transmission of
33 disease, infant mortality, juvenile delinquency and crime, hazardous
34 soils, substances, or materials, or conditions detrimental to or
35 constituting a menace to the public health, safety, welfare, and morals
36 in its present condition and use;

1 (e) The transfer of real property to a private entity when
2 acquisition or appropriation is necessary for the acquisition of
3 abandoned property; or

4 (f) The lease of real property to a private entity that occupies an
5 area within a public project or facility.

6 (3) This section does not apply to port districts or to common
7 carriers such as utilities and railroads and does not by implication
8 increase, decrease, or alter the powers of eminent domain of those
9 districts or common carriers.

10 NEW SECTION. **Sec. 24.** A new section is added to chapter 8.12 RCW
11 to read as follows:

12 (1) No public entity that is subject to this chapter or that
13 derives authority from this chapter may take private property solely
14 for the purpose of economic development.

15 (2) For the purposes of this section, "economic development" means
16 the acquisition or use of real property to increase tax revenue, tax
17 base, employment, or economic health. For the purposes of this
18 section, "economic development" does not include the acquisition or use
19 of real property for the primary purpose of:

20 (a) The transfer of real property to public ownership;

21 (b) The transfer of real property to a private entity that is a
22 common carrier, such as a utility or railroad;

23 (c) The transfer of real property to a private entity when
24 acquisition or appropriation is necessary to remove a threat to public
25 health or safety based on the present condition and use of the real
26 property;

27 (d) The transfer of real property to a private entity when
28 acquisition or appropriation is necessary for the removal of unsanitary
29 or unsafe conditions, conditions that endanger life or property by fire
30 or other causes, conditions conducive to ill health, transmission of
31 disease, infant mortality, juvenile delinquency and crime, hazardous
32 soils, substances, or materials, or conditions detrimental to or
33 constituting a menace to the public health, safety, welfare, and morals
34 in its present condition and use;

35 (e) The transfer of real property to a private entity when
36 acquisition or appropriation is necessary for the acquisition of
37 abandoned property; or

1 (f) The lease of real property to a private entity that occupies an
2 area within a public project or facility.

3 (3) This section does not apply to port districts or to common
4 carriers such as utilities and railroads and does not by implication
5 increase, decrease, or alter the powers of eminent domain of those
6 districts or common carriers.

7 NEW SECTION. **Sec. 25.** A new section is added to chapter 8.16 RCW
8 to read as follows:

9 (1) No public entity that is subject to this chapter or that
10 derives authority from this chapter may take private property solely
11 for the purpose of economic development.

12 (2) For the purposes of this section, "economic development" means
13 the acquisition or use of real property to increase tax revenue, tax
14 base, employment, or economic health. For the purposes of this
15 section, "economic development" does not include the acquisition or use
16 of real property for the primary purpose of:

17 (a) The transfer of real property to public ownership;

18 (b) The transfer of real property to a private entity that is a
19 common carrier, such as a utility or railroad;

20 (c) The transfer of real property to a private entity when
21 acquisition or appropriation is necessary to remove a threat to public
22 health or safety based on the present condition and use of the real
23 property;

24 (d) The transfer of real property to a private entity when
25 acquisition or appropriation is necessary for the removal of unsanitary
26 or unsafe conditions, conditions that endanger life or property by fire
27 or other causes, conditions conducive to ill health, transmission of
28 disease, infant mortality, juvenile delinquency and crime, hazardous
29 soils, substances, or materials, or conditions detrimental to or
30 constituting a menace to the public health, safety, welfare, and morals
31 in its present condition and use;

32 (e) The transfer of real property to a private entity when
33 acquisition or appropriation is necessary for the acquisition of
34 abandoned property; or

35 (f) The lease of real property to a private entity that occupies an
36 area within a public project or facility.

1 (3) This section does not apply to port districts or to common
2 carriers such as utilities and railroads and does not by implication
3 increase, decrease, or alter the powers of eminent domain of those
4 districts or common carriers.

5 NEW SECTION. **Sec. 26.** A new section is added to chapter 8.20 RCW
6 to read as follows:

7 (1) No public entity that is subject to this chapter or that
8 derives authority from this chapter may take private property solely
9 for the purpose of economic development.

10 (2) For the purposes of this section, "economic development" means
11 the acquisition or use of real property to increase tax revenue, tax
12 base, employment, or economic health. For the purposes of this
13 section, "economic development" does not include the acquisition or use
14 of real property for the primary purpose of:

15 (a) The transfer of real property to public ownership;

16 (b) The transfer of real property to a private entity that is a
17 common carrier, such as a utility or railroad;

18 (c) The transfer of real property to a private entity when
19 acquisition or appropriation is necessary to remove a threat to public
20 health or safety based on the present condition and use of the real
21 property;

22 (d) The transfer of real property to a private entity when
23 acquisition or appropriation is necessary for the removal of unsanitary
24 or unsafe conditions, conditions that endanger life or property by fire
25 or other causes, conditions conducive to ill health, transmission of
26 disease, infant mortality, juvenile delinquency and crime, hazardous
27 soils, substances, or materials, or conditions detrimental to or
28 constituting a menace to the public health, safety, welfare, and morals
29 in its present condition and use;

30 (e) The transfer of real property to a private entity when
31 acquisition or appropriation is necessary for the acquisition of
32 abandoned property; or

33 (f) The lease of real property to a private entity that occupies an
34 area within a public project or facility.

35 (3) This section does not apply to port districts or to common
36 carriers such as utilities and railroads and does not by implication

1 increase, decrease, or alter the powers of eminent domain of those
2 districts or common carriers.

3 NEW SECTION. **Sec. 27.** A new section is added to chapter 8.25 RCW
4 to read as follows:

5 (1) No public entity may take private property solely for the
6 purpose of economic development.

7 (2) For the purposes of this section, "economic development" means
8 the acquisition or use of real property to increase tax revenue, tax
9 base, employment, or economic health. For the purposes of this
10 section, "economic development" does not include the acquisition or use
11 of real property for the primary purpose of:

12 (a) The transfer of real property to public ownership;

13 (b) The transfer of real property to a private entity that is a
14 common carrier, such as a utility or railroad;

15 (c) The transfer of real property to a private entity when
16 acquisition or appropriation is necessary to remove a threat to public
17 health or safety based on the present condition and use of the real
18 property;

19 (d) The transfer of real property to a private entity when
20 acquisition or appropriation is necessary for the removal of unsanitary
21 or unsafe conditions, conditions that endanger life or property by fire
22 or other causes, conditions conducive to ill health, transmission of
23 disease, infant mortality, juvenile delinquency and crime, hazardous
24 soils, substances, or materials, or conditions detrimental to or
25 constituting a menace to the public health, safety, welfare, and morals
26 in its present condition and use;

27 (e) The transfer of real property to a private entity when
28 acquisition or appropriation is necessary for the acquisition of
29 abandoned property; or

30 (f) The lease of real property to a private entity that occupies an
31 area within a public project or facility.

32 (3) This section does not apply to port districts or to common
33 carriers such as utilities and railroads and does not by implication
34 increase, decrease, or alter the powers of eminent domain of those
35 districts or common carriers.

1 NEW SECTION. **Sec. 28.** A new section is added to chapter 35.81 RCW
2 to read as follows:

3 Acquisitions of property through the exercise of the power of
4 eminent domain under this chapter are subject to sections 23 and 24 of
5 this act.

6 NEW SECTION. **Sec. 29.** This act applies to condemnation
7 proceedings commenced on or after the effective date of this act.

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