
HOUSE BILL 2016

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1 AN ACT Relating to eminent domain; amending RCW 8.25.010, 8.25.020,
2 35.80A.030, 36.68.010, 47.52.050, 53.25.040, 79.36.330, 80.28.230, and
3 80.40.030; adding new sections to chapter 8.25 RCW; adding a new
4 section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW;
5 adding a new section to chapter 8.12 RCW; adding a new section to
6 chapter 8.16 RCW; adding a new section to chapter 8.20 RCW; adding a
7 new section to chapter 35.81 RCW; and creating a new section.

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

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

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

15 (1) A written statement showing the amount of total just
16 compensation to be paid in the event of settlement ((on each condemnee
17 who has made an appearance in the action));

18 (2) A written statement documenting the condemnor's consideration
19 of and reasons for rejecting alternatives to the condemnation sought or

1 to the nature or extent of the condemnation sought, including but not
2 limited to any reasonable alternative suggested in writing by a
3 condemnee at least sixty days prior to the date set for trial.

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

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

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

22 When real property is acquired through condemnation or under the
23 threat of condemnation, the owner of the property may retain an option
24 to repurchase the property in accordance with this section. If the
25 owner elects to retain such an option, it shall be a part of the
26 purchase and sale agreement or other agreement for the transfer of the
27 property to the acquiring entity. In any condemnation proceeding to
28 determine just compensation for the taking of property in which the
29 owner has retained an option to repurchase, the amount of just
30 compensation to be paid shall be reduced by the value of the repurchase
31 option. No repurchase option shall be provided if the amount of just
32 compensation paid by the acquiring entity is not reduced by the value
33 of the repurchase option.

34 (1) Any entity seeking to acquire real property through
35 condemnation or under the threat of condemnation must notify the owner

1 in writing of the right under this section to retain a repurchase
2 option. The notice must be given:

3 (a) In the case of the state or other entity operating under the
4 procedures of chapter 8.04 RCW, with the notice given under RCW
5 8.04.020;

6 (b) In the case of a county or other entity operating under the
7 procedures of chapter 8.08 RCW, with the notice given under RCW
8 8.08.030;

9 (c) In the case of a city, town, or other entity operating under
10 the procedures of chapter 8.12 RCW, with the summons served under RCW
11 8.12.070;

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

15 (e) In the case of a corporation or other entity operating under
16 the procedures of chapter 8.20 RCW, with the notice given under RCW
17 8.20.020; and

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

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

30 (a) At least ninety days prior to the date on which the acquiring
31 entity will announce a public process for property disposition or, if
32 the sale is to be negotiated, at least ninety days prior to the date on
33 which a purchase and sale agreement or similar document is to be
34 signed, the acquiring entity shall (i) publish notice of its
35 determination to sell the property or a portion of the property in a
36 legal newspaper of general circulation in the area where the property
37 to be sold is located, (ii) describe generally any easements, other
38 restrictions, or reserved rights the acquiring entity intends to retain

1 upon sale, and (iii) mail notice of the determination to the former
2 owner of the property at the former owner's last known address or to a
3 forwarding address if that owner has provided the acquiring entity with
4 a forwarding address.

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

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

30 (i) The lesser of (A) the appraised value less the earnest money or
31 deposit, or (B) an amount equal to the compensation received from the
32 acquiring entity when the property or portion of property was condemned
33 or sold under threat of condemnation, with interest accrued at the
34 market rate, and with the amount adjusted to reflect the value of any
35 physical changes to the property, such as improvements or removal of
36 structures, as determined by the independent appraisal, less the
37 earnest money or deposit; and

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

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

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

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

30 (4) The obligations imposed on an acquiring entity in this section
31 are in addition to any provided by law for the surplusizing or sale of
32 public property to private parties. Nothing in this section precludes
33 an acquiring entity from retaining the property and determining not to
34 surplus and sell the property.

35 **Sec. 4.** RCW 35.80A.030 and 1989 c 271 s 241 are each amended to
36 read as follows:

37 A county, city, or town may dispose of real property acquired

1 pursuant to this section to private persons only under such reasonable,
2 competitive procedures as it shall prescribe. The county, city, or
3 town may accept such proposals as it deems to be in the public interest
4 and in furtherance of the purposes of this chapter. Thereafter, the
5 county, city, or town may execute and deliver contracts, deeds, leases,
6 and other instruments of transfer. This section is subject to and
7 operates only to the extent its application is not inconsistent with
8 the operation of section 3 of this act with respect to property
9 acquired through or under the threat of condemnation.

10 **Sec. 5.** RCW 36.68.010 and 1963 c 4 s 36.68.010 are each amended to
11 read as follows:

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

31 **Sec. 6.** RCW 47.52.050 and 1971 ex.s. c 39 s 1 are each amended to
32 read as follows:

33 (1) For the purpose of this chapter the highway authorities of the
34 state, counties and incorporated cities and towns, respectively, or in
35 cooperation one with the other, may acquire private or public property
36 and property rights for limited access facilities and service roads,

1 including rights of access, air, view and light, by gift, devise,
2 purchase, or condemnation, in the same manner as such authorities are
3 now or hereafter may be authorized by law to acquire property or
4 property rights in connection with highways and streets within their
5 respective jurisdictions. Except as otherwise provided in subsection
6 (2) of this section all property rights acquired under the provisions
7 of this chapter shall be in fee simple. In the acquisition of property
8 or property rights for any limited access facility or portion thereof,
9 or for any service road in connection therewith, the state, county,
10 incorporated city and town authority may, in its discretion, acquire an
11 entire lot, block or tract of land, if by so doing the interest of the
12 public will be best served, even though said entire lot, block or tract
13 is not immediately needed for the limited access facility. This
14 subsection is subject to and operates only to the extent its
15 application is not inconsistent with the operation of section 3 of this
16 act with respect to property acquired through or under the threat of
17 condemnation.

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

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

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

29 **Sec. 7.** RCW 53.25.040 and 1989 c 167 s 1 are each amended to read
30 as follows:

31 (1) A port commission may, after a public hearing thereon, of which
32 at least ten days' notice shall be published in a newspaper of general
33 circulation in the port district, create industrial development
34 districts within the district and define the boundaries thereof, if it
35 finds that the creation of the industrial development district is
36 proper and desirable in establishing and developing a system of harbor
37 improvements and industrial development in the port district.

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

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

1 is not inconsistent with the operation of section 3 of this act with
2 respect to property acquired through or under the threat of
3 condemnation.

4 **Sec. 8.** RCW 79.36.330 and 2004 c 199 s 217 are each amended to
5 read as follows:

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

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

21 (2) If the acquired property interests are not sold or exchanged as
22 provided in subsection (1) of this section, the department shall notify
23 the person or persons from whom the property interest was acquired,
24 stating that the property interests are to be sold, and that the person
25 or persons shall have the right to purchase the same at the appraised
26 price. The notice shall be given by registered letter or certified
27 mail, return receipt requested, mailed to the last known address of the
28 person or persons. If the address of the person or persons is unknown,
29 the notice shall be published twice in an official newspaper of general
30 circulation in the county where the lands or a portion thereof is
31 located. The second notice shall be published not less than ten nor
32 more than thirty days after the notice is first published. The person
33 or persons shall have thirty days after receipt of the registered
34 letter or five days after the last date of publication, as the case may
35 be, to notify the department, in writing, of their intent to purchase
36 the offered property interest. The purchaser shall include with his or
37 her notice of intention to purchase, cash payment, certified check, or

1 money order in an amount not less than one-third of the appraised
2 price. No instrument conveying property interests shall issue from the
3 department until the full price of the property is received by the
4 department. All costs of publication required under this section shall
5 be added to the appraised price and collected by the department upon
6 sale of the property interests.

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

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

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

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

32 **Sec. 9.** RCW 80.28.230 and 1961 c 14 s 80.28.230 are each amended
33 to read as follows:

34 Any property or interest acquired as provided in RCW 80.28.220
35 shall be used exclusively for the purposes for which it was acquired:
36 PROVIDED, HOWEVER, That if any such property be sold or otherwise
37 disposed of by said corporations, such sale or disposition shall be by

1 public sale or disposition and advertised in the manner of public sales
2 in the county where such property is located. This section is subject
3 to and operates only to the extent its application is not inconsistent
4 with the operation of section 3 of this act with respect to property
5 acquired through or under the threat of condemnation.

6 **Sec. 10.** RCW 80.40.030 and 1963 c 201 s 4 are each amended to read
7 as follows:

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

34 NEW SECTION. **Sec. 11.** A new section is added to chapter 8.04 RCW
35 to read as follows:

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

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

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

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

12 (c) The transfer of real property to a private entity when
13 acquisition or appropriation is necessary to remove a threat to public
14 health or safety;

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

23 (e) The transfer of real property to a private entity when
24 acquisition or appropriation is necessary for the acquisition of
25 abandoned property; or

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

28 (3) This section does not apply to port districts and does not by
29 implication increase, decrease, or alter port districts' powers of
30 eminent domain.

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

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

36 (2) For the purposes of this section, "economic development" means
37 the acquisition or use of real property to increase tax revenue, tax

1 base, employment, or economic health. For the purposes of this
2 section, "economic development" does not include the acquisition or use
3 of real property for the primary purpose of:

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

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

7 (c) The transfer of real property to a private entity when
8 acquisition or appropriation is necessary to remove a threat to public
9 health or safety;

10 (d) The transfer of real property to a private entity when
11 acquisition or appropriation is necessary for the removal of unsanitary
12 or unsafe conditions, conditions that endanger life or property by fire
13 or other causes, conditions conducive to ill health, transmission of
14 disease, infant mortality, juvenile delinquency and crime, hazardous
15 soils, substances, or materials, or conditions detrimental to or
16 constituting a menace to the public health, safety, welfare, and morals
17 in its present condition and use;

18 (e) The transfer of real property to a private entity when
19 acquisition or appropriation is necessary for the acquisition of
20 abandoned property; or

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

23 (3) This section does not apply to port districts and does not by
24 implication increase, decrease, or alter port districts' powers of
25 eminent domain.

26 NEW SECTION. **Sec. 13.** A new section is added to chapter 8.12 RCW
27 to read as follows:

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

31 (2) For the purposes of this section, "economic development" means
32 the acquisition or use of real property to increase tax revenue, tax
33 base, employment, or economic health. For the purposes of this
34 section, "economic development" does not include the acquisition or use
35 of real property for the primary purpose of:

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

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

3 (c) The transfer of real property to a private entity when
4 acquisition or appropriation is necessary to remove a threat to public
5 health or safety;

6 (d) The transfer of real property to a private entity when
7 acquisition or appropriation is necessary for the removal of unsanitary
8 or unsafe conditions, conditions that endanger life or property by fire
9 or other causes, conditions conducive to ill health, transmission of
10 disease, infant mortality, juvenile delinquency and crime, hazardous
11 soils, substances, or materials, or conditions detrimental to or
12 constituting a menace to the public health, safety, welfare, and morals
13 in its present condition and use;

14 (e) The transfer of real property to a private entity when
15 acquisition or appropriation is necessary for the acquisition of
16 abandoned property; or

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

19 (3) This section does not apply to port districts and does not by
20 implication increase, decrease, or alter port districts' powers of
21 eminent domain.

22 NEW SECTION. **Sec. 14.** A new section is added to chapter 8.16 RCW
23 to read as follows:

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

27 (2) For the purposes of this section, "economic development" means
28 the acquisition or use of real property to increase tax revenue, tax
29 base, employment, or economic health. For the purposes of this
30 section, "economic development" does not include the acquisition or use
31 of real property for the primary purpose of:

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

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

35 (c) The transfer of real property to a private entity when
36 acquisition or appropriation is necessary to remove a threat to public
37 health or safety;

1 (d) The transfer of real property to a private entity when
2 acquisition or appropriation is necessary for the removal of unsanitary
3 or unsafe conditions, conditions that endanger life or property by fire
4 or other causes, conditions conducive to ill health, transmission of
5 disease, infant mortality, juvenile delinquency and crime, hazardous
6 soils, substances, or materials, or conditions detrimental to or
7 constituting a menace to the public health, safety, welfare, and morals
8 in its present condition and use;

9 (e) The transfer of real property to a private entity when
10 acquisition or appropriation is necessary for the acquisition of
11 abandoned property; or

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

14 (3) This section does not apply to port districts and does not by
15 implication increase, decrease, or alter port districts' powers of
16 eminent domain.

17 NEW SECTION. **Sec. 15.** A new section is added to chapter 8.20 RCW
18 to read as follows:

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

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

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

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

30 (c) The transfer of real property to a private entity when
31 acquisition or appropriation is necessary to remove a threat to public
32 health or safety;

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

1 soils, substances, or materials, or conditions detrimental to or
2 constituting a menace to the public health, safety, welfare, and morals
3 in its present condition and use;

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

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

9 (3) This section does not apply to port districts and does not by
10 implication increase, decrease, or alter port districts' powers of
11 eminent domain.

12 NEW SECTION. **Sec. 16.** A new section is added to chapter 8.25 RCW
13 to read as follows:

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

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

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

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

24 (c) The transfer of real property to a private entity when
25 acquisition or appropriation is necessary to remove a threat to public
26 health or safety;

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 and does not by
4 implication increase, decrease, or alter port districts' powers of
5 eminent domain.

6 NEW SECTION. **Sec. 17.** A new section is added to chapter 35.81 RCW
7 to read as follows:

8 Acquisitions of property through the exercise of the power of
9 eminent domain under this chapter are subject to sections 12 and 13 of
10 this act.

11 NEW SECTION. **Sec. 18.** (1) Section 2 of this act applies to
12 condemnation proceedings commenced before the effective date of this
13 act in which a judgment for damages or decree of appropriation, or
14 equivalent, has not yet been entered as of the effective date of this
15 act, and to condemnation proceedings commenced on or after the
16 effective date of this act.

17 (2) Sections 1 and 3 through 17 of this act apply to condemnation
18 proceedings commenced on or after the effective date of this act.

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