
SENATE BILL 6388

State of Washington 59th Legislature 2006 Regular Session

By Senators Benton, Oke, Stevens, Pflug, Benson, Johnson, Mulliken, Zarelli, Schoesler, Schmidt, Carrell, Honeyford, Delvin, Deccio, Parlette, Hewitt, Sheldon, Roach and Esser

Read first time 01/11/2006. Referred to Committee on Government Operations & Elections.

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

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the United States
5 Supreme Court ruled in the *Kelo* case that a city could use its power of
6 eminent domain to transfer property from one private owner to another
7 for the purpose of increasing tax revenues in the jurisdiction.

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

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

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

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

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