
SENATE BILL 5664

State of Washington

61st Legislature

2009 Regular Session

By Senators Benton, Carrell, Roach, McCaslin, Swecker, Stevens, Schoesler, Delvin, Honeyford, and Hewitt

Read first time 01/28/09. Referred to Committee on Judiciary.

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

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

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

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

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

1 sanitary sewer systems, sewage treatment facilities, landfills, park
2 and recreational facilities, and schools.

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

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

--- END ---