
SENATE JOINT RESOLUTION 8219

State of Washington 57th Legislature 2001 Second Special Session

By Senators Swecker, Carlson, Oke and Roach

Read first time . Referred to Committee on .

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the
4 secretary of state shall submit to the qualified voters of the state
5 for their approval and ratification, or rejection, an amendment to
6 Article I, section 16 of the Constitution of the state of Washington to
7 read as follows:

8 Article I, section 16. Private property shall not be taken for
9 private use, except for private ways of necessity, and for drains,
10 flumes, or ditches on or across the lands of others for agricultural,
11 domestic, or sanitary purposes. No private property shall be taken or
12 damaged for public or private use without just compensation having been
13 first made, or paid into court for the owner, and no right-of-way shall
14 be appropriated to the use of any corporation other than municipal
15 until full compensation therefor be first made in money, or ascertained
16 and paid into court for the owner, irrespective of any benefit from any
17 improvement proposed by such corporation, which compensation shall be
18 ascertained by a jury, unless a jury be waived, as in other civil cases
19 in courts of record, in the manner prescribed by law. Property shall
20 be considered to have been taken for public use if any action by a
21 government entity to change the land use or zoning status of real

1 property causes at least a thirty percent reduction in the use or
2 exchange value of the property. Whenever an attempt is made to take
3 private property for a use alleged to be public, the question whether
4 the contemplated use be really public shall be a judicial question, and
5 determined as such, without regard to any legislative assertion that
6 the use is public: *Provided*, That the taking of private property by
7 the state for land reclamation and settlement purposes is hereby
8 declared to be for public use.

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