

SFR 8738 - S AMD 416

By Senator Benton

1 On page 1, beginning on line 6, strike all material after "; and"
2 and insert the following:

3 "WHEREAS, The United States Supreme Court's *Kelo* ruling allowed a
4 city to use its power of eminent domain to transfer property from one
5 private owner to another private owner for the "public purpose" of
6 increasing tax revenues and economic development in the jurisdiction;
7 and

8 WHEREAS, Article 1, section 16 of the Washington Constitution
9 specifically forbids such transfers and states that private property
10 shall not be taken for private use, Washington courts have nonetheless
11 created judicial exceptions that allow private property taken through
12 the eminent domain powers of government to be transferred to uses that
13 are in fact private in nature; and

14 WHEREAS, the Senate finds that government's use of eminent domain
15 in Washington should protect the private property of Washington
16 citizens from actions that would take or damage private land, or any
17 other interest in real property, that is not to be used for the
18 construction of a public use facility or the provision of a public
19 service necessary to protect public health and safety;

20 NOW, THEREFORE, BE IT RESOLVED, That the Senate affirms and
21 supports a government-wide policy that where private property condemned
22 for a public purpose is no longer necessary for that public purpose,
23 the owner of the property at the time it was condemned shall have a
24 right of first refusal to purchase the property at the property's fair
25 market value at the time it was condemned.

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