

SENATE BILL REPORT

SB 5608

As of March 8, 2005

Title: An act relating to limiting the authority to condemn property outside the boundaries of the condemning entity.

Brief Description: Limiting the authority to condemn property outside the boundaries of the condemning entity.

Sponsors: Senators Shin, Schmidt, Rockefeller, Mulliken, Carrell and Roach.

Brief History:

Committee Activity: Government Operations & Elections: 2/24/05.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Genevieve Pisarski (786-7488)

Background: The power of eminent domain, also called condemnation authority, must be expressly granted to local governments and special purpose districts by the state in specific terms that state the purpose or purposes for which the power can be used, as well as the place where, and the manner in which, it can be used. Currently, metropolitan municipal corporations are among a number of local governments and special purpose districts that are granted condemnation authority outside their own jurisdictional boundaries.

Summary of Bill: A statement of legislative findings and intent is adopted, declaring that, when the state authorizes one jurisdiction to condemn property located in another, the state must also provide a meaningful way to protect the public health, safety, and welfare in the jurisdiction where the property is located and that the essential public facilities siting process is such a way. The statement also declares that the bill applies prospectively only and must not be interpreted to affect the validity of any condemnation proceedings begun or concluded before it takes effect.

A metropolitan municipal corporation is prohibited from condemning property for an essential public facility outside its component county boundaries without first completing the essential public facility siting process adopted under the requirements of the Growth Management Act by the jurisdiction where the proposed facility is to be located.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The matter of a regional treatment plant and its substantial effect on the community in Edmonds has been resolved. This bill does not reopen that matter. Rather, it addresses the underlying principle, which is the basic right of citizens to representation in governmental decisions that affect them, the right to hold government accountable. The essential public facility siting process is an approved and public process, but the King County Council voted that it was not bound by Snohomish County's process, thereby denying representation to Snohomish County and its citizens. There should be no expropriation of property without representation.

Testimony Against: King County is the only metropolitan municipal corporation in the state. This bill would affect its ability to construct future facilities and provide the service for which Brightwater is being built. For example, it would prohibit getting information necessary for the siting process. It creates a precedent for blocking other facilities needed to protect public health, safety, and welfare.

Who Testified: PRO: Senator Shin, prime sponsor; Robert Freeman, Washington Tea Party.
CON: Donald Theiler, King County Wastewater Treatment Division.

Signed in, Unable to Testify & Submitted Written Testimony: PRO: John Quast, Washington Tea Party.