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HOUSE BILL 1649

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives B. Sullivan, Santos, Nixon and Schindler

Read first time 02/01/2005. Referred to Committee on Local Government.

1            AN ACT Relating to limiting the authority to condemn property  
2 outside the boundaries of the condemning entity; amending RCW  
3 35.58.320; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that condemnation of  
6 property for essential public facilities concerns the public health,  
7 safety, and welfare in the jurisdiction in which the proposed facility  
8 is to be located. When the state grants local governments and special  
9 districts the power of eminent domain outside their jurisdictional  
10 boundaries, therefore, the state must also assure that exercise of this  
11 power includes meaningful measures to consider and protect the public  
12 health, safety, and welfare in the jurisdiction in which the property  
13 that is proposed to be condemned for an essential public facility is  
14 located. The legislature finds that the process for identifying and  
15 siting essential public facilities adopted by the jurisdiction in which  
16 the property is located provides such meaningful measures, when the  
17 power of eminent domain is exercised across jurisdictional boundaries.

18            By this act, the legislature intends to uphold and promote the

1 principle of representative government in all jurisdictions of the  
2 state.

3 The legislature intends that this act apply prospectively only and  
4 not retrospectively. It applies only to eminent domain proceedings  
5 commenced on or after the effective date of this act. Nothing in this  
6 act shall be construed to affect the validity of eminent domain  
7 proceedings commenced or completed before the effective date of this  
8 act.

9 **Sec. 2.** RCW 35.58.320 and 1993 c 240 s 8 are each amended to read  
10 as follows:

11 (1) A metropolitan municipal corporation shall have power to  
12 acquire by purchase and condemnation all lands and property rights,  
13 both within and without ((the metropolitan area, which are necessary  
14 for its purposes)) its component county boundaries which are necessary  
15 for its purposes, subject to the provisions under subsection (2) of  
16 this section. Such right of eminent domain shall be exercised by the  
17 metropolitan council in the same manner and by the same procedure as is  
18 or may be provided by law for cities, except insofar as such laws may  
19 be inconsistent with the provisions of this chapter.

20 (2) A metropolitan municipal corporation shall not condemn lands  
21 for an essential public facility, provided for in RCW 36.70A.200, at a  
22 location outside its component county boundaries without first  
23 completing the city or county siting process for an essential public  
24 facility where the proposed facility is to be located, consistent with  
25 RCW 36.70A.200.

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