
SENATE BILL 5608

State of Washington 59th Legislature 2005 Regular Session

By Senators Shin, Schmidt, Rockefeller, Mulliken, Carrell and Roach

Read first time 01/31/2005. Referred to Committee on Government Operations & Elections.

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.

--- END ---