Z-1037.1

# SENATE BILL 6345

**State of Washington 59th Legislature 2006 Regular Session**

**By** Senators Rasmussen, Berkey, Kastama, Fairley, Keiser, Eide, Haugen, Jacobsen, Spanel, Prentice, Rockefeller, Franklin and Oke; by request of Governor Gregoire and Commissioner of Public Lands

Read first time 01/11/2006. Referred to Committee on Government Operations & Elections.

AN ACT Relating to the reaffirmation of existing Washington state law in the state Constitution, state supreme court decisions, and statutes relating to the use of eminent domain by state and local governments; and creating a new section.

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

NEW SECTION. **Sec. 1.** (1) Members of the public have expressed concern regarding a recent United States Supreme Court decision, *Kelo v. New London* (No. 04-108 (June 23, 2005)), which upheld, under the United States Constitution, a Connecticut city's exercise of eminent domain. It is the intent of the legislature to recognize, reaffirm, and support existing Washington case law under Article I, section 16 of the Washington State Constitution, that prohibits the condemnation of private property other than for certain public purposes pursuant to law.

(2) In light of the United States Supreme Court decision in *Kelo v. New London,* the legislature intends to reaffirm existing Washington state law relating to the use of eminent domain by state and local governments. The intent of this act is to make clear that Article I, section 16 of the Washington State Constitution prohibits the use of

eminent domain to take private property for private use, except under narrow exceptions. To this end, the legislature recognizes, reaffirms, and supports the restrictions on the use of eminent domain to take private property for private use, as set forth in chapters 8.04, 8.08, 8.12, 8.16, and 8.20 RCW and in the Washington State Supreme Court's decisions in *Hogue v. Seattle,* 54 Wn.2d 799, 341 P.2d 171 (1959); *Miller v. Tacoma,* 61 Wn.2d 374, 378 P.2d 464 (1963); *In re Petition of Seattle,* 96 Wn.2d 616, 638 P.2d 549 (1981); and *State ex rel. Washington State Convention & Trade Center v. Evans,* 136 Wn.2d 811, 966 P.2d 1252 (1998).

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