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SECOND ENGROSSED SUBSTITUTE HOUSE BILL 2016

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State of Washington

60th Legislature

2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, VanDeWege, Goodman, Simpson, Linville and Ormsby)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to eminent domain; amending RCW 8.25.020,  
2 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115,  
3 43.82.010, 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040,  
4 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new  
5 sections to chapter 8.25 RCW; adding a new section to chapter 39.33  
6 RCW; adding a new section to chapter 8.04 RCW; adding a new section to  
7 chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a  
8 new section to chapter 8.16 RCW; adding a new section to chapter 8.20  
9 RCW; and creating a new section.

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

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 8.25 RCW  
12 to read as follows:

13 (1) At the time the condemnor provides its initial written offer of  
14 just compensation to a property owner, the offer shall inform the owner  
15 that his or her property may be the subject of condemnation. The offer  
16 shall include a written statement documenting the condemnor's  
17 consideration of and reasons for rejecting alternatives to the  
18 condemnation sought or to the nature or extent of the condemnation  
19 sought. The offer shall further inform the owner that the condemnor

1 must consider any reasonable alternative to condemnation or any  
2 reasonable alternative to the nature and extent of condemnation  
3 suggested by the property owner in writing as provided in subsection  
4 (3) of this section.

5 (2) The condemnor's written offer of just compensation shall be  
6 delivered personally, or in the same manner as provided in RCW  
7 8.25.290(2)(a)(i).

8 (3) The condemnor shall accept for consideration all reasonable  
9 alternatives submitted by the owner up to the time the condemnor issues  
10 its notice of planned final action under RCW 8.25.290, or up to sixty  
11 days after the condemnor provides the initial written offer of just  
12 compensation to the property owner, whichever period is longer. The  
13 condemnor shall give thorough consideration to all reasonable  
14 alternatives and provide a written response to the owner regarding its  
15 decision on the alternatives prior to taking final action as defined in  
16 RCW 8.25.290. If the condemnor does not adopt a reasonable  
17 alternative, it shall include in its response an explanation of the  
18 reasons the alternative was rejected.

19 **Sec. 2.** RCW 8.25.020 and 1999 c 52 s 1 are each amended to read as  
20 follows:

21 There shall be paid by the condemnor in respect of each parcel of  
22 real property acquired by eminent domain or by consent under threat  
23 thereof, in addition to the fair market value of the property, a sum  
24 equal to the ~~((various expenditures actually and reasonably))~~  
25 reasonable fees of a licensed appraiser incurred by those with an  
26 interest or interests in said parcel in the process of evaluating the  
27 condemnor's offer to buy the same ~~((, but not to exceed a total of seven  
28 hundred fifty dollars))~~. In the case of multiple interests in a  
29 parcel, the division of such sum shall be determined by the court or by  
30 agreement of the parties.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 8.25 RCW  
32 to read as follows:

33 When real property is acquired through condemnation or under the  
34 threat of condemnation, the owner of the property may retain an option  
35 to repurchase the property in accordance with this section. If the  
36 owner elects to retain such an option, it shall be a part of the

1 purchase and sale agreement or other agreement for the transfer of the  
2 property to the acquiring entity. In addition, the option to  
3 repurchase should be recorded in the real property records of the  
4 county where the property is located. Failure to so record the option  
5 will have the same effect as failure to record any other interest in  
6 real property. In any condemnation proceeding to determine just  
7 compensation for the taking of property in which the owner has retained  
8 an option to repurchase, the amount of just compensation to be paid  
9 shall be reduced by the value of the repurchase option. No repurchase  
10 option shall be provided if the amount of just compensation paid by the  
11 acquiring entity is not reduced by the value of the repurchase option.

12 (1) Any entity seeking to acquire real property through  
13 condemnation or under the threat of condemnation must notify the owner  
14 in writing of the right under this section to retain a repurchase  
15 option. The notice must be given:

16 (a) In the case of the state or other entity operating under the  
17 procedures of chapter 8.04 RCW, with the notice given under RCW  
18 8.04.020;

19 (b) In the case of a county or other entity operating under the  
20 procedures of chapter 8.08 RCW, with the notice given under RCW  
21 8.08.030;

22 (c) In the case of a city, town, or other entity operating under  
23 the procedures of chapter 8.12 RCW, with the summons served under RCW  
24 8.12.070;

25 (d) In the case of a school district or other entity operating  
26 under the procedures of chapter 8.16 RCW, with the notice given under  
27 RCW 8.16.030;

28 (e) In the case of a corporation or other entity operating under  
29 the procedures of chapter 8.20 RCW, with the notice given under RCW  
30 8.20.020; and

31 (f) In the case of any other entity, with the service of process  
32 commencing the action for condemnation.

33 (2) If real property that was transferred to an acquiring entity  
34 through or under the threat of condemnation has not been or will not be  
35 put to use for a public purpose within five years after the date the  
36 property was transferred to the acquiring entity, the acquiring entity  
37 must provide a written notice to a former owner who elected to retain  
38 a repurchase option in the property certifying that the acquiring

1 entity is making reasonable progress towards the project for which the  
2 property was condemned. The acquiring entity must provide the written  
3 notice no later than five years, and no sooner than four years, after  
4 the date the property was transferred to the acquiring entity.

5 (3) If, within seven years after the date real property was  
6 transferred to an acquiring entity through or under the threat of  
7 condemnation, the acquiring entity determines that all or a portion of  
8 the property or an interest in the property is no longer necessary for  
9 a public purpose and should be sold, a former owner who elected to  
10 retain a repurchase option may exercise that option in accordance with  
11 this section. "Former owner" means the person or persons from whom the  
12 acquiring entity acquired title or that person's or those persons'  
13 successors or assigns to the property or property interest that is  
14 subject to the repurchase right.

15 (a) At least ninety days prior to the date on which the acquiring  
16 entity will announce a public process for property disposition or, if  
17 the sale is to be negotiated, at least ninety days prior to the date on  
18 which a purchase and sale agreement or similar document is to be  
19 signed, the acquiring entity shall (i) publish notice of its  
20 determination to sell the property or a portion of the property in a  
21 legal newspaper of general circulation in the area where the property  
22 to be sold is located, (ii) describe generally any easements, other  
23 restrictions, or reserved rights the acquiring entity intends to retain  
24 upon sale, and (iii) mail notice of the determination to the former  
25 owner of the property at the former owner's last known address or to a  
26 forwarding address if that owner has provided the acquiring entity with  
27 a forwarding address.

28 (b) If the former owner notifies the acquiring entity in writing  
29 within thirty days of the date of notice provided under (a) of this  
30 subsection that the former owner intends to exercise the repurchase  
31 right granted by this section, the acquiring entity shall, unless it  
32 already has a completed current independent appraisal for the property,  
33 immediately arrange for an independent appraisal to determine the fair  
34 market value of the property or portion of property subject to  
35 repurchase, adjusted to reflect the value of any physical changes to  
36 the property, such as improvements or removal of structures. Within  
37 thirty days of receipt of the former owner's notice of intent to  
38 exercise the repurchase right or following the acquiring entity's

1 receipt of the appraisal, the acquiring entity shall provide the former  
2 owner with a written copy of the appraisal. All costs of appraisal  
3 shall be paid by the acquiring entity. If the former owner does not  
4 provide timely written notice to the acquiring entity of the intent to  
5 exercise a repurchase right, that right is extinguished and the  
6 acquiring entity is relieved of any further obligation under this  
7 section.

8 (c) Within thirty days of the date the acquiring entity provides a  
9 written copy of the appraisal to the former owner under (b) of this  
10 subsection, the former owner may exercise the repurchase right granted  
11 by this section by delivering to the acquiring entity earnest money or  
12 a deposit in a form determined by the acquiring entity in an amount  
13 equal to five percent of the appraised value, together with a written  
14 promise to pay, within thirty days, the following:

15 (i) The lesser of (A) the appraised value less the earnest money or  
16 deposit, or (B) an amount equal to the compensation received from the  
17 acquiring entity when the property or portion of property was condemned  
18 or sold under threat of condemnation, with interest accrued at the  
19 market rate, and with the amount adjusted to reflect the value of any  
20 physical changes to the property, such as improvements or removal of  
21 structures, as determined by the independent appraisal, less the  
22 earnest money or deposit; and

23 (ii) All required fees and costs otherwise required for the  
24 transfer of real property.

25 (d) Upon receipt of the full payment required in (c) of this  
26 subsection, the acquiring entity shall transfer title to the former  
27 owner, subject to any easements, other restrictions, or reserved rights  
28 retained by the acquiring entity. If the former owner fails to  
29 complete the sale, the earnest money or deposit is forfeited to the  
30 acquiring entity, the former owner's repurchase right is extinguished,  
31 and the acquiring entity is relieved of any further obligation under  
32 this section.

33 (e) In the event that the acquiring entity and the former owner  
34 cannot agree on the amount of compensation paid for a portion of the  
35 property under (c)(i)(B) of this subsection, the acquiring entity and  
36 the former owner shall each arrange for an independent appraisal of the  
37 just compensation allocation to the portion of the property to be sold.  
38 If the acquiring entity and the former owner cannot then agree on the

1 amount, either party may initiate a lawsuit to determine the amount, or  
2 they may agree to binding arbitration in which case the appraisals  
3 shall be submitted to a third, independent appraiser. The third  
4 appraiser shall sit as an arbitrator and determine the amount of just  
5 compensation under (c)(i)(B) of this subsection. The arbitrator's  
6 decision shall be final and binding. The acquiring entity and former  
7 owner shall bear their own costs and fees, and pay equally the costs  
8 and fees of the arbitrator.

9 (4) The acquiring entity may reject a notice of intent under  
10 subsection (3)(b) of this section received from a person claiming to be  
11 a successor or assignee that is not accompanied by evidence sufficient  
12 to demonstrate that the person is the successor or assignee of the  
13 person from whom the acquiring entity acquired title.

14 (5) The obligations imposed on an acquiring entity in this section  
15 are in addition to any provided by law for the surplusizing or sale of  
16 public property to private parties. Nothing in this section precludes  
17 an acquiring entity from retaining the property and determining not to  
18 surplus and sell the property.

19 **Sec. 4.** RCW 28A.335.120 and 2006 c 263 s 913 are each amended to  
20 read as follows:

21 (1) The board of directors of any school district of this state  
22 may:

23 (a) Sell for cash, at public or private sale, and convey by deed  
24 all interest of the district in or to any of the real property of the  
25 district which is no longer required for school purposes; and

26 (b) Purchase real property for the purpose of locating thereon and  
27 affixing thereto any house or houses and appurtenant buildings removed  
28 from school sites owned by the district and sell for cash, at public or  
29 private sale, and convey by deed all interest of the district in or to  
30 such acquired and improved real property.

31 (2) When the board of directors of any school district proposes a  
32 sale of school district real property pursuant to this section and the  
33 value of the property exceeds seventy thousand dollars, the board shall  
34 publish a notice of its intention to sell the property. The notice  
35 shall be published at least once each week during two consecutive weeks  
36 in a legal newspaper with a general circulation in the area in which  
37 the school district is located. The notice shall describe the property

1 to be sold and designate the place where and the day and hour when a  
2 hearing will be held. The board shall hold a public hearing upon the  
3 proposal to dispose of the school district property at the place and  
4 the day and hour fixed in the notice and admit evidence offered for and  
5 against the propriety and advisability of the proposed sale.

6 (3) The board of directors of any school district desiring to sell  
7 surplus real property shall publish a notice in a newspaper of general  
8 circulation in the school district. School districts shall not sell  
9 the property for at least forty-five days following the publication of  
10 the newspaper notice.

11 (4) Private schools shall have the same rights as any other person  
12 or entity to submit bids for the purchase of surplus real property and  
13 to have such bids considered along with all other bids.

14 (5) Any sale of school district real property authorized pursuant  
15 to this section shall be preceded by a market value appraisal by a  
16 professionally designated real estate appraiser as defined in RCW  
17 74.46.020 or a general real estate appraiser certified under chapter  
18 18.140 RCW selected by the board of directors and no sale shall take  
19 place if the sale price would be less than ninety percent of the  
20 appraisal made by the real estate appraiser: PROVIDED, That if the  
21 property has been on the market for one year or more the property may  
22 be reappraised and sold for not less than seventy-five percent of the  
23 reappraised value with the unanimous consent of the board.

24 (6) If in the judgment of the board of directors of any district  
25 the sale of real property of the district not needed for school  
26 purposes would be facilitated and greater value realized through use of  
27 the services of licensed real estate brokers, a contract for such  
28 services may be negotiated and concluded: PROVIDED, That the use of a  
29 licensed real estate broker will not eliminate the obligation of the  
30 board of directors to provide the notice described in this section:  
31 PROVIDED FURTHER, That the fee or commissions charged for any broker  
32 services shall not exceed seven percent of the resulting sale value for  
33 a single parcel: PROVIDED FURTHER, That any professionally designated  
34 real estate appraiser as defined in RCW 74.46.020 or a general real  
35 estate appraiser certified under chapter 18.140 RCW selected by the  
36 board to appraise the market value of a parcel of property to be sold  
37 may not be a party to any contract with the school district to sell

1 such parcel of property for a period of three years after the  
2 appraisal.

3 (7) If in the judgment of the board of directors of any district  
4 the sale of real property of the district not needed for school  
5 purposes would be facilitated and greater value realized through sale  
6 on contract terms, a real estate sales contract may be executed between  
7 the district and buyer.

8 (8) This section is subject to and operates only to the extent its  
9 application is not inconsistent with the operation of section 3 of this  
10 act with respect to property acquired through or under the threat of  
11 condemnation.

12 **Sec. 5.** RCW 35.58.340 and 1993 c 240 s 9 are each amended to read  
13 as follows:

14 Except as otherwise provided herein, a metropolitan municipal  
15 corporation may sell, or otherwise dispose of any real or personal  
16 property acquired in connection with any authorized metropolitan  
17 function and which is no longer required for the purposes of the  
18 metropolitan municipal corporation in the same manner as provided for  
19 cities. When the metropolitan council determines that a metropolitan  
20 facility or any part thereof which has been acquired from a component  
21 city or county without compensation is no longer required for  
22 metropolitan purposes, but is required as a local facility by the city  
23 or county from which it was acquired, the metropolitan council shall by  
24 resolution transfer it to such city or county. This section is subject  
25 to and operates only to the extent its application is not inconsistent  
26 with the operation of section 3 of this act with respect to property  
27 acquired through or under the threat of condemnation.

28 **Sec. 6.** RCW 35.80A.030 and 1989 c 271 s 241 are each amended to  
29 read as follows:

30 A county, city, or town may dispose of real property acquired  
31 pursuant to this section to private persons only under such reasonable,  
32 competitive procedures as it shall prescribe. The county, city, or  
33 town may accept such proposals as it deems to be in the public interest  
34 and in furtherance of the purposes of this chapter. Thereafter, the  
35 county, city, or town may execute and deliver contracts, deeds, leases,  
36 and other instruments of transfer. This section is subject to and



1 operates only to the extent its application is not inconsistent with  
2 the operation of section 3 of this act with respect to property  
3 acquired through or under the threat of condemnation.

4 **Sec. 7.** RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended  
5 to read as follows:

6 Whenever a city shall determine, by resolution of its legislative  
7 authority, that any lands, property, or equipment originally acquired  
8 for public utility purposes is surplus to the city's needs and is not  
9 required for providing continued public utility service, then such  
10 legislative authority by resolution and after a public hearing may  
11 cause such lands, property, or equipment to be leased, sold, or  
12 conveyed. Such resolution shall state the fair market value or the  
13 rent or consideration to be paid and such other terms and conditions  
14 for such disposition as the legislative authority deems to be in the  
15 best public interest.

16 The provisions of RCW 35.94.020 and 35.94.030 shall not apply to  
17 dispositions authorized by this section.

18 This section is subject to and operates only to the extent its  
19 application is not inconsistent with the operation of section 3 of this  
20 act with respect to property acquired through or under the threat of  
21 condemnation.

22 **Sec. 8.** RCW 36.68.010 and 1963 c 4 s 36.68.010 are each amended to  
23 read as follows:

24 Counties may establish park and playground systems for public  
25 recreational purposes and for such purposes shall have the power to  
26 acquire lands, buildings and other facilities by gift, purchase, lease,  
27 devise, bequest and condemnation. A county may lease or sell any park  
28 property, buildings or facilities surplus to its needs, or no longer  
29 suitable for park purposes: PROVIDED, That such park property shall be  
30 subject to the requirements and provisions of notice, hearing, bid or  
31 intergovernmental transfer as provided in chapter 36.34 RCW: PROVIDED  
32 FURTHER, That nothing in this section shall be construed as authorizing  
33 any county to sell any property which such county acquired by  
34 condemnation for park or playground or other public recreational  
35 purposes on or after January 1, 1960, until held for five years or more  
36 after such acquisition: PROVIDED FURTHER, That funds acquired from the

1 lease or sale of any park property, buildings or facilities shall be  
2 placed in the park and recreation fund to be used for capital purposes.  
3 This section is subject to and operates only to the extent its  
4 application is not inconsistent with the operation of section 3 of this  
5 act with respect to property acquired through or under the threat of  
6 condemnation.

7 **NEW SECTION.** **Sec. 9.** A new section is added to chapter 39.33 RCW  
8 to read as follows:

9 This chapter is subject to and operates only to the extent its  
10 application is not inconsistent with the operation of section 3 of this  
11 act with respect to property acquired through or under the threat of  
12 condemnation.

13 **Sec. 10.** RCW 43.43.115 and 1993 c 438 s 1 are each amended to read  
14 as follows:

15 Whenever real property owned by the state of Washington and under  
16 the jurisdiction of the Washington state patrol is no longer required,  
17 it may be sold at fair market value. All proceeds received from the  
18 sale of real property, less any real estate broker commissions, shall  
19 be deposited into the state patrol highway account: PROVIDED, That if  
20 accounts or funds other than the state patrol highway account have  
21 contributed to the purchase or improvement of the real property, the  
22 office of financial management shall determine the proportional equity  
23 of each account or fund in the property and improvements, and shall  
24 direct the proceeds to be deposited proportionally therein. This  
25 section is subject to and operates only to the extent its application  
26 is not inconsistent with the operation of section 3 of this act with  
27 respect to property acquired through or under the threat of  
28 condemnation.

29 **Sec. 11.** RCW 43.82.010 and 2007 c 506 s 8 are each amended to read  
30 as follows:

31 (1) The director of general administration, on behalf of the agency  
32 involved and after consultation with the office of financial  
33 management, shall purchase, lease, lease purchase, rent, or otherwise  
34 acquire all real estate, improved or unimproved, as may be required by  
35 elected state officials, institutions, departments, commissions,

1 boards, and other state agencies, or federal agencies where joint state  
2 and federal activities are undertaken and may grant easements and  
3 transfer, exchange, sell, lease, or sublease all or part of any surplus  
4 real estate for those state agencies which do not otherwise have the  
5 specific authority to dispose of real estate. This section does not  
6 transfer financial liability for the acquired property to the  
7 department of general administration.

8 (2) Except for real estate occupied by federal agencies, the  
9 director shall determine the location, size, and design of any real  
10 estate or improvements thereon acquired or held pursuant to subsection  
11 (1) of this section. Facilities acquired or held pursuant to this  
12 chapter, and any improvements thereon, shall conform to standards  
13 adopted by the director and approved by the office of financial  
14 management governing facility efficiency unless a specific exemption  
15 from such standards is provided by the director of general  
16 administration. The director of general administration shall report to  
17 the office of financial management and the appropriate committees of  
18 the legislature annually on any exemptions granted pursuant to this  
19 subsection.

20 (3) The director of general administration may fix the terms and  
21 conditions of each lease entered into under this chapter, except that  
22 no lease shall extend greater than twenty years in duration. The  
23 director of general administration may enter into a long-term lease  
24 greater than ten years in duration upon a determination by the director  
25 of the office of financial management that the long-term lease provides  
26 a more favorable rate than would otherwise be available, it appears to  
27 a substantial certainty that the facility is necessary for use by the  
28 state for the full length of the lease term, and the facility meets the  
29 standards adopted pursuant to subsection (2) of this section. The  
30 director of general administration may enter into a long-term lease  
31 greater than ten years in duration if an analysis shows that the life-  
32 cycle cost of leasing the facility is less than the life-cycle cost of  
33 purchasing or constructing a facility in lieu of leasing the facility.

34 (4) Except as permitted under chapter 39.94 RCW, no lease for or on  
35 behalf of any state agency may be used or referred to as collateral or  
36 security for the payment of securities offered for sale through a  
37 public offering. Except as permitted under chapter 39.94 RCW, no lease  
38 for or on behalf of any state agency may be used or referred to as

1 collateral or security for the payment of securities offered for sale  
2 through a private placement without the prior written approval of the  
3 state treasurer. However, this limitation shall not prevent a lessor  
4 from assigning or encumbering its interest in a lease as security for  
5 the repayment of a promissory note provided that the transaction would  
6 otherwise be an exempt transaction under RCW 21.20.320. The state  
7 treasurer shall adopt rules that establish the criteria under which any  
8 such approval may be granted. In establishing such criteria the state  
9 treasurer shall give primary consideration to the protection of the  
10 state's credit rating and the integrity of the state's debt management  
11 program. If it appears to the state treasurer that any lease has been  
12 used or referred to in violation of this subsection or rules adopted  
13 under this subsection, then he or she may recommend that the governor  
14 cause such lease to be terminated. The department of general  
15 administration shall promptly notify the state treasurer whenever it  
16 may appear to the department that any lease has been used or referred  
17 to in violation of this subsection or rules adopted under this  
18 subsection.

19 (5) It is the policy of the state to encourage the colocation and  
20 consolidation of state services into single or adjacent facilities,  
21 whenever appropriate, to improve public service delivery, minimize  
22 duplication of facilities, increase efficiency of operations, and  
23 promote sound growth management planning.

24 (6) The director of general administration shall provide  
25 coordinated long-range planning services to identify and evaluate  
26 opportunities for colocating and consolidating state facilities. Upon  
27 the renewal of any lease, the inception of a new lease, or the purchase  
28 of a facility, the director of general administration shall determine  
29 whether an opportunity exists for colocating the agency or agencies in  
30 a single facility with other agencies located in the same geographic  
31 area. If a colocation opportunity exists, the director of general  
32 administration shall consult with the affected state agencies and the  
33 office of financial management to evaluate the impact colocation would  
34 have on the cost and delivery of agency programs, including whether  
35 program delivery would be enhanced due to the centralization of  
36 services. The director of general administration, in consultation with  
37 the office of financial management, shall develop procedures for  
38 implementing colocation and consolidation of state facilities.

1           (7) The director of general administration is authorized to  
2 purchase, lease, rent, or otherwise acquire improved or unimproved real  
3 estate as owner or lessee and to lease or sublet all or a part of such  
4 real estate to state or federal agencies. The director of general  
5 administration shall charge each using agency its proportionate rental  
6 which shall include an amount sufficient to pay all costs, including,  
7 but not limited to, those for utilities, janitorial and accounting  
8 services, and sufficient to provide for contingencies; which shall not  
9 exceed five percent of the average annual rental, to meet unforeseen  
10 expenses incident to management of the real estate.

11           (8) If the director of general administration determines that it is  
12 necessary or advisable to undertake any work, construction, alteration,  
13 repair, or improvement on any real estate acquired pursuant to  
14 subsection (1) or (7) of this section, the director shall cause plans  
15 and specifications thereof and an estimate of the cost of such work to  
16 be made and filed in his or her office and the state agency benefiting  
17 thereby is hereby authorized to pay for such work out of any available  
18 funds: PROVIDED, That the cost of executing such work shall not exceed  
19 the sum of twenty-five thousand dollars. Work, construction,  
20 alteration, repair, or improvement in excess of twenty-five thousand  
21 dollars, other than that done by the owner of the property if other  
22 than the state, shall be performed in accordance with the public works  
23 law of this state.

24           (9) In order to obtain maximum utilization of space, the director  
25 of general administration shall make space utilization studies, and  
26 shall establish standards for use of space by state agencies. Such  
27 studies shall include the identification of opportunities for  
28 colocation and consolidation of state agency office and support  
29 facilities.

30           (10) The director of general administration may construct new  
31 buildings on, or improve existing facilities, and furnish and equip,  
32 all real estate under his or her management. Prior to the construction  
33 of new buildings or major improvements to existing facilities or  
34 acquisition of facilities using a lease purchase contract, the director  
35 of general administration shall conduct an evaluation of the facility  
36 design and budget using life-cycle cost analysis, value-engineering,  
37 and other techniques to maximize the long-term effectiveness and  
38 efficiency of the facility or improvement.

1 (11) All conveyances and contracts to purchase, lease, rent,  
2 transfer, exchange, or sell real estate and to grant and accept  
3 easements shall be approved as to form by the attorney general, signed  
4 by the director of general administration or the director's designee,  
5 and recorded with the county auditor of the county in which the  
6 property is located.

7 (12) The director of general administration may delegate any or all  
8 of the functions specified in this section to any agency upon such  
9 terms and conditions as the director deems advisable. By January 1st  
10 of each year, beginning January 1, 2008, the department shall submit an  
11 annual report to the office of financial management and the appropriate  
12 committees of the legislature on all delegated leases.

13 (13) This section does not apply to the acquisition of real estate  
14 by:

15 (a) The state college and universities for research or experimental  
16 purposes;

17 (b) The state liquor control board for liquor stores and  
18 warehouses; and

19 (c) The department of natural resources, the department of fish and  
20 wildlife, the department of transportation, and the state parks and  
21 recreation commission for purposes other than the leasing of offices,  
22 warehouses, and real estate for similar purposes.

23 (14) Notwithstanding any provision in this chapter to the contrary,  
24 the department of general administration may negotiate ground leases  
25 for public lands on which property is to be acquired under a financing  
26 contract pursuant to chapter 39.94 RCW under terms approved by the  
27 state finance committee.

28 (15) The department of general administration shall report annually  
29 to the office of financial management and the appropriate fiscal  
30 committees of the legislature on facility leases executed for all state  
31 agencies for the preceding year, lease terms, and annual lease costs.  
32 The report must include leases executed under RCW 43.82.045 and  
33 subsection (12) of this section.

34 (16) This section is subject to and operates only to the extent its  
35 application is not inconsistent with the operation of section 3 of this  
36 act with respect to property acquired through or under the threat of  
37 condemnation.

1       **Sec. 12.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read  
2 as follows:

3       (1) It is the intent of the legislature to continue the  
4 department's policy giving priority consideration to abutting property  
5 owners in agricultural areas when disposing of property through its  
6 surplus property program under this section.

7       (2) Whenever the department determines that any real property owned  
8 by the state of Washington and under the jurisdiction of the department  
9 is no longer required for transportation purposes and that it is in the  
10 public interest to do so, the department may sell the property or  
11 exchange it in full or part consideration for land or improvements or  
12 for construction of improvements at fair market value to any of the  
13 following governmental entities or persons:

14       (a) Any other state agency;

15       (b) The city or county in which the property is situated;

16       (c) Any other municipal corporation;

17       (d) Regional transit authorities created under chapter 81.112 RCW;

18       (e) The former owner of the property from whom the state acquired  
19 title;

20       (f) In the case of residentially improved property, a tenant of the  
21 department who has resided thereon for not less than six months and who  
22 is not delinquent in paying rent to the state;

23       (g) Any abutting private owner but only after each other abutting  
24 private owner (if any), as shown in the records of the county assessor,  
25 is notified in writing of the proposed sale. If more than one abutting  
26 private owner requests in writing the right to purchase the property  
27 within fifteen days after receiving notice of the proposed sale, the  
28 property shall be sold at public auction in the manner provided in RCW  
29 47.12.283;

30       (h) To any person through the solicitation of written bids through  
31 public advertising in the manner prescribed by RCW 47.28.050;

32       (i) To any other owner of real property required for transportation  
33 purposes;

34       (j) In the case of property suitable for residential use, any  
35 nonprofit organization dedicated to providing affordable housing to  
36 very low-income, low-income, and moderate-income households as defined  
37 in RCW 43.63A.510 and is eligible to receive assistance through the  
38 Washington housing trust fund created in chapter 43.185 RCW; or

1 (k) A federally recognized Indian tribe within whose reservation  
2 boundary the property is located.

3 (3) Sales to purchasers may at the department's option be for cash,  
4 by real estate contract, or exchange of land or improvements.  
5 Transactions involving the construction of improvements must be  
6 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,  
7 and must comply with all other applicable laws and rules.

8 (4) Conveyances made pursuant to this section shall be by deed  
9 executed by the secretary of transportation and shall be duly  
10 acknowledged.

11 (5) Unless otherwise provided, all moneys received pursuant to the  
12 provisions of this section less any real estate broker commissions paid  
13 pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

14 (6) This section is subject to and operates only to the extent its  
15 application is not inconsistent with the operation of section 3 of this  
16 act with respect to property acquired through or under the threat of  
17 condemnation.

18 **Sec. 13.** RCW 47.12.283 and 1979 ex.s. c 189 s 1 are each amended  
19 to read as follows:

20 (1) Whenever the department of transportation determines that any  
21 real property owned by the state of Washington and under the  
22 jurisdiction of the department is no longer required for highway  
23 purposes and that it is in the public interest to do so, the department  
24 may, in its discretion, sell the property under RCW 47.12.063 or under  
25 subsections (2) through (6) of this section.

26 (2) Whenever the department determines to sell real property under  
27 its jurisdiction at public auction, the department shall first give  
28 notice thereof by publication on the same day of the week for two  
29 consecutive weeks, with the first publication at least two weeks prior  
30 to the date of the auction, in a legal newspaper of general circulation  
31 in the area where the property to be sold is located. The notice shall  
32 be placed in both the legal notices section and the real estate  
33 classified section of the newspaper. The notice shall contain a  
34 description of the property, the time and place of the auction, and the  
35 terms of the sale. The sale may be for cash or by real estate  
36 contract.



1 (3) The department shall sell the property at the public auction,  
2 in accordance with the terms set forth in the notice, to the highest  
3 and best bidder providing the bid is equal to or higher than the  
4 appraised fair market value of the property.

5 (4) If no bids are received at the auction or if all bids are  
6 rejected, the department may, in its discretion, enter into  
7 negotiations for the sale of the property or may list the property with  
8 a licensed real estate broker. No property shall be sold by  
9 negotiations or through a broker for less than the property's appraised  
10 fair market value. Any offer to purchase real property pursuant to  
11 this subsection shall be in writing and may be rejected at any time  
12 prior to written acceptance by the department.

13 (5) Before the department shall approve any offer for the purchase  
14 of real property having an appraised value of more than ten thousand  
15 dollars, pursuant to subsection (4) of this section, the department  
16 shall first publish a notice of the proposed sale in a local newspaper  
17 of general circulation in the area where the property is located. The  
18 notice shall include a description of the property, the selling price,  
19 the terms of the sale, including the price and interest rate if sold by  
20 real estate contract, and the name and address of the department  
21 employee or the real estate broker handling the transaction. The  
22 notice shall further state that any person may, within ten days after  
23 the publication of the notice, deliver to the designated state employee  
24 or real estate broker a written offer to purchase the property for not  
25 less than ten percent more than the negotiated sale price, subject to  
26 the same terms and conditions. A subsequent offer shall not be  
27 considered unless it is accompanied by a deposit of twenty percent of  
28 the offer in the form of cash, money order, cashiers check, or  
29 certified check payable to the Washington state treasurer, to be  
30 forfeited to the state (for deposit in the motor vehicle fund) if the  
31 offeror fails to complete the sale if the offeror's offer is accepted.  
32 If a subsequent offer is received, the first offeror shall be informed  
33 by registered or certified mail sent to the address stated in his  
34 offer. The first offeror shall then have ten days, from the date of  
35 mailing the notice of the increased offer, in which to file with the  
36 designated state employee or real estate broker a higher offer than  
37 that of the subsequent offeror. After the expiration of the ten day

1 period, the department shall approve in writing the highest and best  
2 offer which the department then has on file.

3 (6) All moneys received pursuant to this section, less any real  
4 estate broker's commissions paid pursuant to RCW 47.12.320, shall be  
5 deposited in the motor vehicle fund.

6 (7) This section is subject to and operates only to the extent its  
7 application is not inconsistent with the operation of section 3 of this  
8 act with respect to property acquired through or under the threat of  
9 condemnation.

10 **Sec. 14.** RCW 47.52.050 and 1971 ex.s. c 39 s 1 are each amended to  
11 read as follows:

12 (1) For the purpose of this chapter the highway authorities of the  
13 state, counties and incorporated cities and towns, respectively, or in  
14 cooperation one with the other, may acquire private or public property  
15 and property rights for limited access facilities and service roads,  
16 including rights of access, air, view and light, by gift, devise,  
17 purchase, or condemnation, in the same manner as such authorities are  
18 now or hereafter may be authorized by law to acquire property or  
19 property rights in connection with highways and streets within their  
20 respective jurisdictions. Except as otherwise provided in subsection  
21 (2) of this section all property rights acquired under the provisions  
22 of this chapter shall be in fee simple. In the acquisition of property  
23 or property rights for any limited access facility or portion thereof,  
24 or for any service road in connection therewith, the state, county,  
25 incorporated city and town authority may, in its discretion, acquire an  
26 entire lot, block or tract of land, if by so doing the interest of the  
27 public will be best served, even though said entire lot, block or tract  
28 is not immediately needed for the limited access facility. This  
29 subsection is subject to and operates only to the extent its  
30 application is not inconsistent with the operation of section 3 of this  
31 act with respect to property acquired through or under the threat of  
32 condemnation.

33 (2) The highway authorities of the state, counties, and  
34 incorporated cities and towns may acquire by gift, devise, purchase, or  
35 condemnation a three dimensional air space corridor in fee simple over  
36 or below the surface of the ground, together with such other property

1 in fee simple and other property rights as are needed for the  
2 construction and operation of a limited access highway facility, but  
3 only if the acquiring authority finds that the proposal will not:

4 (a) impair traffic safety on the highway or interfere with the free  
5 flow of traffic; or

6 (b) permit occupancy or use of the air space above or below the  
7 highway which is hazardous to the operation of the highway.

8 **Sec. 15.** RCW 53.08.090 and 1994 c 26 s 1 are each amended to read  
9 as follows:

10 (1) A port commission may, by resolution, authorize the managing  
11 official of a port district to sell and convey port district property  
12 of ten thousand dollars or less in value. The authority shall be in  
13 force for not more than one calendar year from the date of resolution  
14 and may be renewed from year to year. Prior to any such sale or  
15 conveyance the managing official shall itemize and list the property to  
16 be sold and make written certification to the commission that the  
17 listed property is no longer needed for district purposes. Any large  
18 block of the property having a value in excess of ten thousand dollars  
19 shall not be broken down into components of ten thousand dollars or  
20 less value and sold in the smaller components unless the smaller  
21 components be sold by public competitive bid. A port district may sell  
22 and convey any of its real or personal property valued at more than ten  
23 thousand dollars when the port commission has, by resolution, declared  
24 the property to be no longer needed for district purposes, but no  
25 property which is a part of the comprehensive plan of improvement or  
26 modification thereof shall be disposed of until the comprehensive plan  
27 has been modified to find the property surplus to port needs. The  
28 comprehensive plan shall be modified only after public notice and  
29 hearing provided by RCW 53.20.010.

30 Nothing in this section shall be deemed to repeal or modify  
31 procedures for property sales within industrial development districts  
32 as set forth in chapter 53.25 RCW.

33 (2) The ten thousand dollar figures in subsection (1) of this  
34 section shall be adjusted annually based upon the governmental price  
35 index established by the department of revenue under RCW 82.14.200.

36 (3) This section is subject to and operates only to the extent its

1 application is not inconsistent with the operation of section 3 of this  
2 act with respect to property acquired through or under the threat of  
3 condemnation.

4 **Sec. 16.** RCW 53.25.040 and 1989 c 167 s 1 are each amended to read  
5 as follows:

6 (1) A port commission may, after a public hearing thereon, of which  
7 at least ten days' notice shall be published in a newspaper of general  
8 circulation in the port district, create industrial development  
9 districts within the district and define the boundaries thereof, if it  
10 finds that the creation of the industrial development district is  
11 proper and desirable in establishing and developing a system of harbor  
12 improvements and industrial development in the port district.

13 (2) The boundaries of an industrial development district created by  
14 subsection (1) of this section may be revised from time to time by  
15 resolution of the port commission, to delete land area therefrom, if  
16 the land area to be deleted was acquired by the port district with its  
17 own funds or by gift or transfer other than pursuant to RCW 53.25.050  
18 or 53.25.060.

19 As to any land area to be deleted under this subsection that was  
20 acquired or improved by the port district with funds obtained through  
21 RCW 53.36.100, the port district shall deposit funds equal to the fair  
22 market value of the lands and improvements into the fund for future use  
23 described in RCW 53.36.100 and such funds shall be thereafter subject  
24 to RCW 53.36.100. The fair market value of the land and improvements  
25 shall be determined as of the effective date of the port commission  
26 action deleting the land from the industrial development district and  
27 shall be determined by an average of at least two independent  
28 appraisals by professionally designated real estate appraisers as  
29 defined in RCW 74.46.020 or licensed real estate brokers. The funds  
30 shall be deposited into the fund for future use described in RCW  
31 53.36.100 within ninety days of the effective date of the port  
32 commission action deleting the land area from the industrial district.  
33 Land areas deleted from an industrial development district under this  
34 subsection shall not be further subject to the provisions of this  
35 chapter. This subsection shall apply to presently existing and future  
36 industrial development districts. Land areas deleted from an  
37 industrial development district under this subsection that were

1 included within such district for less than two years, if the port  
2 district acquired the land through condemnation or as a consequence of  
3 threatened condemnation, shall be offered for sale, for cash, at the  
4 appraised price, to the former owner of the property from whom the  
5 district obtained title. Such offer shall be made by certified or  
6 registered letter to the last known address of the former owner. The  
7 letter shall include the appraised price of the property and notice  
8 that the former owner must respond in writing within thirty days or  
9 lose the right to purchase. If this right to purchase is exercised,  
10 the sale shall be closed by midnight of the sixtieth day, including  
11 nonbusiness days, following close of the thirty-day period. This  
12 section is subject to and operates only to the extent its application  
13 is not inconsistent with the operation of section 3 of this act with  
14 respect to property acquired through or under the threat of  
15 condemnation.

16 **Sec. 17.** RCW 70.44.300 and 1997 c 332 s 17 are each amended to  
17 read as follows:

18 (1) The board of commissioners of any public hospital district may  
19 sell and convey at public or private sale real property of the district  
20 if the board determines by resolution that the property is no longer  
21 required for public hospital district purposes or determines by  
22 resolution that the sale of the property will further the purposes of  
23 the public hospital district.

24 (2) Any sale of district real property authorized pursuant to this  
25 section shall be preceded, not more than one year prior to the date of  
26 sale, by market value appraisals by three licensed real estate brokers  
27 or professionally designated real estate appraisers as defined in RCW  
28 74.46.020 or three independent experts in valuing health care property,  
29 selected by the board of commissioners, and no sale shall take place if  
30 the sale price would be less than ninety percent of the average of such  
31 appraisals.

32 (3) When the board of commissioners of any public hospital district  
33 proposes a sale of district real property pursuant to this section and  
34 the value of the property exceeds one hundred thousand dollars, the  
35 board shall publish a notice of its intention to sell the property.  
36 The notice shall be published at least once each week during two  
37 consecutive weeks in a legal newspaper of general circulation within

1 the public hospital district. The notice shall describe the property  
2 to be sold and designate the place where and the day and hour when a  
3 hearing will be held. The board shall hold a public hearing upon the  
4 proposal to dispose of the public hospital district property at the  
5 place and the day and hour fixed in the notice and consider evidence  
6 offered for and against the propriety and advisability of the proposed  
7 sale.

8 (4) If in the judgment of the board of commissioners of any  
9 district the sale of any district real property not needed for public  
10 hospital district purposes would be facilitated and greater value  
11 realized through use of the services of licensed real estate brokers,  
12 a contract for such services may be negotiated and concluded. The fee  
13 or commissions charged for any broker service shall not exceed seven  
14 percent of the resulting sale price for a single parcel. No licensed  
15 real estate broker or professionally designated real estate appraisers  
16 as defined in RCW 74.46.020 or independent expert in valuing health  
17 care property selected by the board to appraise the market value of a  
18 parcel of property to be sold may be a party to any contract with the  
19 public hospital district to sell such property for a period of three  
20 years after the appraisal.

21 (5) This section is subject to and operates only to the extent its  
22 application is not inconsistent with the operation of section 3 of this  
23 act with respect to property acquired through or under the threat of  
24 condemnation.

25 **Sec. 18.** RCW 79.36.330 and 2004 c 199 s 217 are each amended to  
26 read as follows:

27 In the event the department should determine that the property  
28 interests acquired under the authority of this chapter are no longer  
29 necessary for the purposes for which they were acquired, the department  
30 shall dispose of the same in the following manner, when in the  
31 discretion of the department it is to the best interests of the state  
32 of Washington to do so, except that property purchased with educational  
33 funds or held in trust for educational purposes shall be sold only in  
34 the same manner as are state lands:

35 (1) Where the state property necessitating the acquisition of  
36 private property interests for access purposes under authority of this  
37 chapter is sold or exchanged, the acquired property interests may be

1 sold or exchanged as an appurtenance of the state property when it is  
2 determined by the department that sale or exchange of the state  
3 property and acquired property interests as one parcel is in the best  
4 interests of the state.

5 (2) If the acquired property interests are not sold or exchanged as  
6 provided in subsection (1) of this section, the department shall notify  
7 the person or persons from whom the property interest was acquired,  
8 stating that the property interests are to be sold, and that the person  
9 or persons shall have the right to purchase the same at the appraised  
10 price. The notice shall be given by registered letter or certified  
11 mail, return receipt requested, mailed to the last known address of the  
12 person or persons. If the address of the person or persons is unknown,  
13 the notice shall be published twice in an official newspaper of general  
14 circulation in the county where the lands or a portion thereof is  
15 located. The second notice shall be published not less than ten nor  
16 more than thirty days after the notice is first published. The person  
17 or persons shall have thirty days after receipt of the registered  
18 letter or five days after the last date of publication, as the case may  
19 be, to notify the department, in writing, of their intent to purchase  
20 the offered property interest. The purchaser shall include with his or  
21 her notice of intention to purchase, cash payment, certified check, or  
22 money order in an amount not less than one-third of the appraised  
23 price. No instrument conveying property interests shall issue from the  
24 department until the full price of the property is received by the  
25 department. All costs of publication required under this section shall  
26 be added to the appraised price and collected by the department upon  
27 sale of the property interests.

28 (3) If the property interests are not sold or exchanged as provided  
29 in subsections (1) and (2) of this section, the department shall notify  
30 the owners of land abutting the property interests in the same manner  
31 as provided in subsection (2) of this section and their notice of  
32 intent to purchase shall be given in the manner and in accordance with  
33 the same time limits as are set forth in subsection (2) of this  
34 section. However, if more than one abutting owner gives notice of  
35 intent to purchase the property interests, the department shall  
36 apportion them in relation to the lineal footage bordering each side of  
37 the property interests to be sold, and apportion the costs to the  
38 interested purchasers in relation thereto. Further, no sale is

1 authorized by this section unless the department is satisfied that the  
2 amounts to be received from the several purchasers will equal or exceed  
3 the appraised price of the entire parcel plus any costs of publishing  
4 notices.

5 (4) If no sale or exchange is consummated as provided in  
6 subsections (1) through (3) of this section, the department shall sell  
7 the properties in the same manner as state lands are sold.

8 (5) Any disposal of property interests authorized by this chapter  
9 shall be subject to any existing rights previously granted by the  
10 department.

11 (6) This section is subject to and operates only to the extent its  
12 application is not inconsistent with the operation of section 3 of this  
13 act with respect to property acquired through or under the threat of  
14 condemnation.

15 **Sec. 19.** RCW 80.28.230 and 1961 c 14 s 80.28.230 are each amended  
16 to read as follows:

17 Any property or interest acquired as provided in RCW 80.28.220  
18 shall be used exclusively for the purposes for which it was acquired:  
19 PROVIDED, HOWEVER, That if any such property be sold or otherwise  
20 disposed of by said corporations, such sale or disposition shall be by  
21 public sale or disposition and advertised in the manner of public sales  
22 in the county where such property is located. This section is subject  
23 to and operates only to the extent its application is not inconsistent  
24 with the operation of section 3 of this act with respect to property  
25 acquired through or under the threat of condemnation.

26 **Sec. 20.** RCW 80.40.030 and 1963 c 201 s 4 are each amended to read  
27 as follows:

28 Any natural gas company having received an order under RCW  
29 80.40.040 shall have the right of eminent domain to be exercised in the  
30 manner provided in and subject to the provisions of chapter 8.20 RCW to  
31 acquire for its use for the underground storage of natural gas any  
32 underground reservoir, as well as such other property or interests in  
33 property as may be required to adequately maintain and utilize the  
34 underground reservoir for the underground storage of natural gas,  
35 including easements and rights of way for access to and egress from the  
36 underground storage reservoir. The right of eminent domain granted



1 hereby shall apply to property or property interests held in private  
2 ownership, provided condemnor has exercised good faith in negotiations  
3 for private sale or lease. No property shall be taken or damaged until  
4 the compensation to be made therefor shall have been ascertained and  
5 paid. Any property or interest therein so acquired by any natural gas  
6 company shall be used exclusively for the purposes for which it was  
7 acquired. Any decree of appropriation hereunder shall define and limit  
8 the rights condemned and shall provide for the reversion of such rights  
9 to the defendant or defendants or their successors in interest upon  
10 abandonment of the underground storage project. Good faith exploration  
11 work or development work relative to the storage reservoir is  
12 conclusive evidence that its use has not been abandoned. The court may  
13 include in such decree such other relevant conditions, covenants and  
14 restrictions as it may deem fair and equitable. This section is  
15 subject to and operates only to the extent its application is not  
16 inconsistent with the operation of section 3 of this act with respect  
17 to property acquired through or under the threat of condemnation.

18 **Sec. 21.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to  
19 read as follows:

20 An authority shall have the following powers in addition to the  
21 general powers granted by this chapter:

22 (1) To carry out the planning processes set forth in RCW  
23 81.104.100;

24 (2) To acquire by purchase, condemnation, gift, or grant and to  
25 lease, construct, add to, improve, replace, repair, maintain, operate,  
26 and regulate the use of high capacity transportation facilities and  
27 properties within authority boundaries including surface, underground,  
28 or overhead railways, tramways, busways, buses, bus sets, entrained and  
29 linked buses, ferries, or other means of local transportation except  
30 taxis, and including escalators, moving sidewalks, personal rapid  
31 transit systems or other people-moving systems, passenger terminal and  
32 parking facilities and properties, and such other facilities and  
33 properties as may be necessary for passenger, vehicular, and vessel  
34 access to and from such people-moving systems, terminal and parking  
35 facilities and properties, together with all lands, rights of way,  
36 property, equipment, and accessories necessary for such high capacity  
37 transportation systems. When developing specifications for high

1 capacity transportation system operating equipment, an authority shall  
2 take into account efforts to establish or sustain a domestic  
3 manufacturing capacity for such equipment. The right of eminent domain  
4 shall be exercised by an authority in the same manner and by the same  
5 procedure as or may be provided by law for cities of the first class,  
6 except insofar as such laws may be inconsistent with the provisions of  
7 this chapter. Public transportation facilities and properties which  
8 are owned by any city, county, county transportation authority, public  
9 transportation benefit area, or metropolitan municipal corporation may  
10 be acquired or used by an authority only with the consent of the agency  
11 owning such facilities. Such agencies are hereby authorized to convey  
12 or lease such facilities to an authority or to contract for their joint  
13 use on such terms as may be fixed by agreement between the agency and  
14 the authority.

15 The facilities and properties of an authority whose vehicles will  
16 operate primarily within the rights of way of public streets, roads, or  
17 highways, may be acquired, developed, and operated without the corridor  
18 and design hearings that are required by RCW 35.58.273 for mass transit  
19 facilities operating on a separate right of way;

20 (3) To dispose of any real or personal property acquired in  
21 connection with any authority function and that is no longer required  
22 for the purposes of the authority, in the same manner as provided for  
23 cities of the first class. When an authority determines that a  
24 facility or any part thereof that has been acquired from any public  
25 agency without compensation is no longer required for authority  
26 purposes, but is required by the agency from which it was acquired, the  
27 authority shall by resolution transfer it to such agency. This  
28 subsection is subject to and operates only to the extent its  
29 application is not inconsistent with the operation of section 3 of this  
30 act with respect to property acquired through or under the threat of  
31 condemnation;

32 (4) To fix rates, tolls, fares, and charges for the use of such  
33 facilities and to establish various routes and classes of service.  
34 Fares or charges may be adjusted or eliminated for any distinguishable  
35 class of users.

36 NEW SECTION. **Sec. 22.** A new section is added to chapter 8.04 RCW  
37 to read as follows:

1 (1) No public entity that is subject to this chapter or that  
2 derives authority from this chapter may take private property  
3 substantially for the purpose of:

4 (a) Increasing tax revenues or the tax base;

5 (b) Increasing employment; or

6 (c) Transferring the private property to another private person or  
7 entity.

8 (2)(a) This section does not apply to the use of eminent domain by  
9 a county, city, or town, under chapter 35.80A RCW, or under chapter  
10 35.81 RCW, the community renewal law.

11 (b) This section does not apply to port districts, or to public  
12 service companies as defined in RCW 80.04.010, or to common carriers as  
13 defined in RCW 81.04.010, and does not by implication increase,  
14 decrease, or alter the powers of eminent domain of those districts,  
15 public service companies, or common carriers.

16 NEW SECTION. **Sec. 23.** A new section is added to chapter 8.08 RCW  
17 to read as follows:

18 (1) No public entity that is subject to this chapter or that  
19 derives authority from this chapter may take private property  
20 substantially for the purpose of:

21 (a) Increasing tax revenues or the tax base;

22 (b) Increasing employment; or

23 (c) Transferring the private property to another private person or  
24 entity.

25 (2)(a) This section does not apply to the use of eminent domain by  
26 a county, city, or town, under chapter 35.80A RCW, or under chapter  
27 35.81 RCW, the community renewal law.

28 (b) This section does not apply to port districts, or to public  
29 service companies as defined in RCW 80.04.010, or to common carriers as  
30 defined in RCW 81.04.010, and does not by implication increase,  
31 decrease, or alter the powers of eminent domain of those districts,  
32 public service companies, or common carriers.

33 NEW SECTION. **Sec. 24.** A new section is added to chapter 8.12 RCW  
34 to read as follows:

35 (1) No public entity that is subject to this chapter or that

1 derives authority from this chapter may take private property  
2 substantially for the purpose of:

- 3 (a) Increasing tax revenues or the tax base;
- 4 (b) Increasing employment; or
- 5 (c) Transferring the private property to another private person or  
6 entity.

7 (2)(a) This section does not apply to the use of eminent domain by  
8 a county, city, or town, under chapter 35.80A RCW, or under chapter  
9 35.81 RCW, the community renewal law.

10 (b) This section does not apply to port districts, or to public  
11 service companies as defined in RCW 80.04.010, or to common carriers as  
12 defined in RCW 81.04.010, and does not by implication increase,  
13 decrease, or alter the powers of eminent domain of those districts,  
14 public service companies, or common carriers.

15 NEW SECTION. **Sec. 25.** A new section is added to chapter 8.16 RCW  
16 to read as follows:

17 (1) No public entity that is subject to this chapter or that  
18 derives authority from this chapter may take private property  
19 substantially for the purpose of:

- 20 (a) Increasing tax revenues or the tax base;
- 21 (b) Increasing employment; or
- 22 (c) Transferring the private property to another private person or  
23 entity.

24 (2)(a) This section does not apply to the use of eminent domain by  
25 a county, city, or town, under chapter 35.80A RCW, or under chapter  
26 35.81 RCW, the community renewal law.

27 (b) This section does not apply to port districts, or to public  
28 service companies as defined in RCW 80.04.010, or to common carriers as  
29 defined in RCW 81.04.010, and does not by implication increase,  
30 decrease, or alter the powers of eminent domain of those districts,  
31 public service companies, or common carriers.

32 NEW SECTION. **Sec. 26.** A new section is added to chapter 8.20 RCW  
33 to read as follows:

34 (1) No public entity that is subject to this chapter or that  
35 derives authority from this chapter may take private property  
36 substantially for the purpose of:

- 1 (a) Increasing tax revenues or the tax base;
- 2 (b) Increasing employment; or
- 3 (c) Transferring the private property to another private person or
- 4 entity.

5 (2)(a) This section does not apply to the use of eminent domain by  
6 a county, city, or town, under chapter 35.80A RCW, or under chapter  
7 35.81 RCW, the community renewal law.

8 (b) This section does not apply to port districts, or to public  
9 service companies as defined in RCW 80.04.010, or to common carriers as  
10 defined in RCW 81.04.010, and does not by implication increase,  
11 decrease, or alter the powers of eminent domain of those districts,  
12 public service companies, or common carriers.

13 NEW SECTION. **Sec. 27.** A new section is added to chapter 8.25 RCW  
14 to read as follows:

15 (1) No public entity may take private property substantially for  
16 the purpose of:

- 17 (a) Increasing tax revenues or the tax base;
- 18 (b) Increasing employment; or
- 19 (c) Transferring the private property to another private person or
- 20 entity.

21 (2)(a) This section does not apply to the use of eminent domain by  
22 a county, city, or town, under chapter 35.80A RCW, or under chapter  
23 35.81 RCW, the community renewal law.

24 (b) This section does not apply to port districts, or to public  
25 service companies as defined in RCW 80.04.010, or to common carriers as  
26 defined in RCW 81.04.010, and does not by implication increase,  
27 decrease, or alter the powers of eminent domain of those districts,  
28 public service companies, or common carriers.

29 NEW SECTION. **Sec. 28.** This act applies to condemnation  
30 proceedings commenced on or after the effective date of this act.

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