
HOUSE BILL 2178

State of Washington 60th Legislature 2007 Regular Session

By Representatives Hasegawa, Hudgins, Schual-Berke, Upthegrove,
McDermott and Santos

Read first time 02/12/2007. Referred to Committee on State
Government & Tribal Affairs.

1 AN ACT Relating to the sale of public lands; and adding a new
2 chapter to Title 42 RCW.

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

4 NEW SECTION. **Sec. 1.** A public agency, as that term is defined in
5 RCW 42.30.020, may not sell real property or otherwise permanently
6 transfer title of real property to a private person or private entity
7 unless the public agency shows a compelling economic development
8 necessity justifying the sale or transfer at that time. A public
9 agency satisfies the compelling economic development threshold if it
10 demonstrates that the present act of selling the property is of a
11 greater public benefit than holding the land as a tangible asset or an
12 intangible future asset that may be used for a public benefit.

13 NEW SECTION. **Sec. 2.** (1) A public agency, as that term is defined
14 in RCW 42.30.020, that satisfies the requirements of section 1 of this
15 act may not permanently transfer title of real property to a private
16 individual or private entity until the public agency has made public in
17 a manner consistent with this section:

1 (a) A notice to divest interest in the property and the
2 justification for a compelling economic development necessity for
3 thirty days; and

4 (b) The final sale price, all terms of the sale, and any changes to
5 the justification for a compelling economic development necessity for
6 sixty days.

7 (2) The final notice to divest, sale price, sales terms, and
8 justification for a compelling economic development must be:

9 (a) Published at least once in a newspaper of general circulation
10 published in the county where the real property to be sold is located;
11 and

12 (b) Published on the internet web site managed by the public
13 agency.

14 (3) The public agency proposing the transfer of real property must
15 provide a process that allows all interested parties, including
16 organizations concerned with good government and public accountability,
17 to comment on the specifics of the proposed transaction.

18 NEW SECTION. **Sec. 3.** (1) Any interested party that comments on a
19 proposed transfer of real property from a public agency to a private
20 individual or entity under section 2 of this act may file suit in the
21 superior court of the county in which the real property to be sold is
22 located prior to the end of the sixty-day notice period required of the
23 public agency by section 2 of this act.

24 (2) If a suit is filed under this section, the public agency
25 proposing the sale or title transfer may not execute the transfer of
26 the real property until a final judgment in the suit is reached.

27 (3) The court may issue an injunction against the public agency if
28 the interested party bringing an action under this section shows by a
29 preponderance of the evidence that there is not a compelling economic
30 development necessity justifying the sale or transfer at that time
31 proposed by the public agency, or that the final sale price and sales
32 terms are not in the best interest of the public.

33 (4) If the court issues an injunction, the public agency may not
34 complete the proposed sale or title transfer that was the subject of
35 the suit.

1 NEW SECTION. **Sec. 4.** A public agency that satisfies the
2 requirements of section 1 of this act to sell or transfer title of real
3 property to a private individual or entity must instead sell or
4 transfer title of the real property to another public agency if that
5 second public agency provides notice to the selling public agency that
6 it will meet the same terms agreed upon by the private individual or
7 entity. Notice from the buying public agency must be delivered to the
8 selling public agency within the sixty-day public notice period
9 provided in section 2 of this act.

10 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
11 a new chapter in Title 42 RCW.

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