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SENATE BILL 6200

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State of Washington

61st Legislature

2010 Regular Session

By Senators Carrell, Sheldon, Honeyford, Franklin, Pflug, Roach, Hargrove, Becker, Regala, Schoesler, Parlette, Benton, Delvin, Swecker, Holmquist, Shin, Rockefeller, Haugen, Hewitt, and Stevens; by request of Attorney General

Read first time 01/11/10. Referred to Committee on Judiciary.

1 AN ACT Relating to prohibiting the use of eminent domain for  
2 economic development; and adding a new chapter to Title 8 RCW.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Economic development" means any activity to increase tax  
7 revenue, tax base, employment, or general economic health, when that  
8 activity does not result in:

9 (a) The transfer of property to public possession, occupation, and  
10 enjoyment;

11 (b) The transfer of property to a private entity that is a public  
12 utility or common carrier;

13 (c) The use of eminent domain:

14 (i)(A) To remove a public nuisance;

15 (B) To remove a structure that is beyond repair or unfit for human  
16 habitation or use; or

17 (C) To acquire abandoned property; and

18 (ii) To eliminate a direct threat to public health and safety  
19 caused by the property in its current condition; or

1 (d) The transfer of property to private entities that occupy an  
2 incidental area within a publicly owned and occupied project.

3 (2)(a) "Public use" means:

4 (i) The possession, occupation, and enjoyment of the property by  
5 the general public, or by public agencies;

6 (ii) The use of property for the creation or functioning of public  
7 utilities, a publicly owned utility, or common carriers; or

8 (iii) Where the use of eminent domain:

9 (A)(I) Removes a public nuisance;

10 (II) Removes a structure that is beyond repair or unfit for human  
11 habitation or use; or

12 (III) Is used to acquire abandoned property; and

13 (B) Eliminates a direct threat to public health and safety caused  
14 by the property in its current condition.

15 (b) The public benefits of economic development, including an  
16 increase in tax base, tax revenues, employment, and general economic  
17 health, may not constitute a public use.

18 NEW SECTION. **Sec. 2.** Private property may be taken only for  
19 public use and the taking of private property by any public entity for  
20 economic development does not constitute a public use. No public  
21 entity may take property for the purpose of economic development.

22 NEW SECTION. **Sec. 3.** In an action to determine whether a claimed  
23 use by a governmental body is a public use, the taking of private  
24 property shall be found to be for economic development if a court  
25 determines that economic development, as defined in section 1 of this  
26 act, was a substantial factor in the governmental body's decision to  
27 take the property.

28 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
29 a new chapter in Title 8 RCW.

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