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**SENATE BILL 5188**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Benton and Angel

AN ACT Relating to eminent domain; and adding a new chapter to Title 8 RCW.

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

NEW SECTION. **Sec.**  The legislature finds that the United States supreme court ruled in *Kelo v. City of New London*, 545 U.S. 524 (2005), that a city could use its power of eminent domain to transfer property from one private owner to another for the purpose of increasing tax revenues in the jurisdiction.

The legislature further finds that while Washington's Constitution specifically forbids such transfers and states that private property may not be taken for private use, Washington courts have allowed private property taken through the eminent domain powers of government to be transferred to uses that are in fact private in nature.

The legislature therefore declares that government's use of eminent domain in Washington should be restricted to uses that protect public health and safety or provide public use facilities, such as streets, roads, highways, street and road lighting systems, traffic signals, transportation corridors, utility corridors, water systems, storm and sanitary sewer systems, sewage treatment facilities, landfills, park and recreational facilities, and schools.

NEW SECTION. **Sec.**  No government shall take or damage private land or any interest in real property that is not to be used for the construction of a public use facility or the provision of a public service necessary to protect public health and safety.

NEW SECTION. **Sec.**  Sections 1 and 2 of this act constitute a new chapter in Title 8 RCW, to be codified at the beginning of Title 8 RCW.

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