

HB 3017-S - DIGEST

(SEE ALSO PROPOSED 2ND SUB)

Finds that 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 state Constitution, that prohibits the condemnation of private property other than for certain public purposes pursuant to law.

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 such as *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). Consistent with these decisions, it is the intent of the legislature that state and local governments shall not appropriate or acquire any real property for the primary purpose of economic development without the consent of the property owner.

Provides that, if a county determines, within seven years after the date the property is transferred to the county, that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold, the former owner shall have a repurchase right as provided in this act. "Former owner" means the person or entity from whom the county acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right.

Directs the office of financial management, working in consultation with state and local governments and private utilities and corporations that acquire property through eminent domain, to develop and provide recommendations to the legislature by December 1, 2006, regarding the definition of "economic development" as set forth in RCW 8.04.070, 8.08.020, and 8.12.030 and regarding the appropriate statutory provisions for providing a repurchase right to the former owner of land that has been condemned by a state or local government or a private utility or corporation, where the condemning entity has decided to sell the condemned land.