

**HB 3223 - DIGEST**

Intends by this act to protect the use and value of private property while providing for a healthy environment and ensuring that government agencies do not damage the use or value of private property, except if necessary to protect the public health and safety.

Intends to recognize and promote the unique interests, knowledge, and abilities that private property owners have to protect the environment and land. To this end, government agencies must be required to identify and encourage participation in voluntary cooperative environmental enhancement programs with willing property owners.

Provides that eminent domain may not be used by a state agency or local public agency to acquire property for private use. Eminent domain is limited to the purpose of acquiring property for physical use by the public, such as for the physical siting of public facilities.

Provides that, prior to transferring any property acquired by a state or local public agency through eminent domain to private persons or entities under this act, the agency shall offer to sell the property to the person, persons, or entities from whom the property was acquired for an amount equal to what the person, persons, or entities received from the agency.

Requires that, prior to taking any action which may unnecessarily damage the use or value of private property, an agency must consider: The purpose of the regulation; any actual harm or public nuisance that is to be prevented by the regulation; the parcels of property that will be affected by the regulation; estimated damage to the use and value of the affected parcels; and steps the agency has taken or will take to accomplish the intended purpose by encouraging participation in voluntary cooperative environmental enhancement programs with willing property owners.