

ESHB 2016 - H AMD 1027

By Representative Springer

ADOPTED 02/13/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 8.25 RCW
4 to read as follows:

5 (1) At the time the condemnor provides its initial written offer of
6 just compensation to a property owner, the offer shall inform the owner
7 that his or her property may be the subject of condemnation. The offer
8 shall include a written statement documenting the condemnor's
9 consideration of and reasons for rejecting alternatives to the
10 condemnation sought or to the nature or extent of the condemnation
11 sought. The offer shall further inform the owner that the condemnor
12 must consider any reasonable alternative to condemnation or any
13 reasonable alternative to the nature and extent of condemnation
14 suggested by the property owner in writing as provided in subsection
15 (3) of this section.

16 (2) The condemnor's written offer of just compensation shall be
17 delivered personally, or in the same manner as provided in RCW
18 8.25.290(2)(a)(i).

19 (3) The condemnor shall accept for consideration all reasonable
20 alternatives submitted by the owner up to the time the condemnor issues
21 its notice of planned final action under RCW 8.25.290, or up to sixty
22 days after the condemnor provides the initial written offer of just
23 compensation to the property owner, whichever period is longer. The
24 condemnor shall give thorough consideration to all reasonable
25 alternatives and provide a written response to the owner regarding its
26 decision on the alternatives prior to taking final action as defined in
27 RCW 8.25.290. If the condemnor does not adopt a reasonable
28 alternative, it shall include in its response an explanation of the
29 reasons the alternative was rejected.

1 **Sec. 2.** RCW 8.25.020 and 1999 c 52 s 1 are each amended to read as
2 follows:

3 There shall be paid by the condemnor in respect of each parcel of
4 real property acquired by eminent domain or by consent under threat
5 thereof, in addition to the fair market value of the property, a sum
6 equal to the (~~various expenditures actually and reasonably~~)
7 reasonable fees of a licensed appraiser incurred by those with an
8 interest or interests in said parcel in the process of evaluating the
9 condemnor's offer to buy the same(~~(, but not to exceed a total of seven~~
10 ~~hundred fifty dollars)~~). In the case of multiple interests in a
11 parcel, the division of such sum shall be determined by the court or by
12 agreement of the parties.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 8.25 RCW
14 to read as follows:

15 When real property is acquired through condemnation or under the
16 threat of condemnation, the owner of the property may retain an option
17 to repurchase the property in accordance with this section. If the
18 owner elects to retain such an option, it shall be a part of the
19 purchase and sale agreement or other agreement for the transfer of the
20 property to the acquiring entity. In addition, the option to
21 repurchase should be recorded in the real property records of the
22 county where the property is located. Failure to so record the option
23 will have the same effect as failure to record any other interest in
24 real property. In any condemnation proceeding to determine just
25 compensation for the taking of property in which the owner has retained
26 an option to repurchase, the amount of just compensation to be paid
27 shall be reduced by the value of the repurchase option. No repurchase
28 option shall be provided if the amount of just compensation paid by the
29 acquiring entity is not reduced by the value of the repurchase option.

30 (1) Any entity seeking to acquire real property through
31 condemnation or under the threat of condemnation must notify the owner
32 in writing of the right under this section to retain a repurchase
33 option. The notice must be given:

34 (a) In the case of the state or other entity operating under the
35 procedures of chapter 8.04 RCW, with the notice given under RCW
36 8.04.020;

1 (b) In the case of a county or other entity operating under the
2 procedures of chapter 8.08 RCW, with the notice given under RCW
3 8.08.030;

4 (c) In the case of a city, town, or other entity operating under
5 the procedures of chapter 8.12 RCW, with the summons served under RCW
6 8.12.070;

7 (d) In the case of a school district or other entity operating
8 under the procedures of chapter 8.16 RCW, with the notice given under
9 RCW 8.16.030;

10 (e) In the case of a corporation or other entity operating under
11 the procedures of chapter 8.20 RCW, with the notice given under RCW
12 8.20.020; and

13 (f) In the case of any other entity, with the service of process
14 commencing the action for condemnation.

15 (2) If real property that was transferred to an acquiring entity
16 through or under the threat of condemnation has not been or will not be
17 put to use for a public purpose within five years after the date the
18 property was transferred to the acquiring entity, the acquiring entity
19 must provide a written notice to a former owner who elected to retain
20 a repurchase option in the property certifying that the acquiring
21 entity is making reasonable progress towards the project for which the
22 property was condemned. The acquiring entity must provide the written
23 notice no later than five years, and no sooner than four years, after
24 the date the property was transferred to the acquiring entity.

25 (3) If, within seven years after the date real property was
26 transferred to an acquiring entity through or under the threat of
27 condemnation, the acquiring entity determines that all or a portion of
28 the property or an interest in the property is no longer necessary for
29 a public purpose and should be sold, a former owner who elected to
30 retain a repurchase option may exercise that option in accordance with
31 this section. "Former owner" means the person or persons from whom the
32 acquiring entity acquired title or that person's or those persons'
33 successors or assigns to the property or property interest that is
34 subject to the repurchase right.

35 (a) At least ninety days prior to the date on which the acquiring
36 entity will announce a public process for property disposition or, if
37 the sale is to be negotiated, at least ninety days prior to the date on
38 which a purchase and sale agreement or similar document is to be

1 signed, the acquiring entity shall (i) publish notice of its
2 determination to sell the property or a portion of the property in a
3 legal newspaper of general circulation in the area where the property
4 to be sold is located, (ii) describe generally any easements, other
5 restrictions, or reserved rights the acquiring entity intends to retain
6 upon sale, and (iii) mail notice of the determination to the former
7 owner of the property at the former owner's last known address or to a
8 forwarding address if that owner has provided the acquiring entity with
9 a forwarding address.

10 (b) If the former owner notifies the acquiring entity in writing
11 within thirty days of the date of notice provided under (a) of this
12 subsection that the former owner intends to exercise the repurchase
13 right granted by this section, the acquiring entity shall, unless it
14 already has a completed current independent appraisal for the property,
15 immediately arrange for an independent appraisal to determine the fair
16 market value of the property or portion of property subject to
17 repurchase, adjusted to reflect the value of any physical changes to
18 the property, such as improvements or removal of structures. Within
19 thirty days of receipt of the former owner's notice of intent to
20 exercise the repurchase right or following the acquiring entity's
21 receipt of the appraisal, the acquiring entity shall provide the former
22 owner with a written copy of the appraisal. All costs of appraisal
23 shall be paid by the acquiring entity. If the former owner does not
24 provide timely written notice to the acquiring entity of the intent to
25 exercise a repurchase right, that right is extinguished and the
26 acquiring entity is relieved of any further obligation under this
27 section.

28 (c) Within thirty days of the date the acquiring entity provides a
29 written copy of the appraisal to the former owner under (b) of this
30 subsection, the former owner may exercise the repurchase right granted
31 by this section by delivering to the acquiring entity earnest money or
32 a deposit in a form determined by the acquiring entity in an amount
33 equal to five percent of the appraised value, together with a written
34 promise to pay, within thirty days, the following:

35 (i) The lesser of (A) the appraised value less the earnest money or
36 deposit, or (B) an amount equal to the compensation received from the
37 acquiring entity when the property or portion of property was condemned
38 or sold under threat of condemnation, with interest accrued at the

1 market rate, and with the amount adjusted to reflect the value of any
2 physical changes to the property, such as improvements or removal of
3 structures, as determined by the independent appraisal, less the
4 earnest money or deposit; and

5 (ii) All required fees and costs otherwise required for the
6 transfer of real property.

7 (d) Upon receipt of the full payment required in (c) of this
8 subsection, the acquiring entity shall transfer title to the former
9 owner, subject to any easements, other restrictions, or reserved rights
10 retained by the acquiring entity. If the former owner fails to
11 complete the sale, the earnest money or deposit is forfeited to the
12 acquiring entity, the former owner's repurchase right is extinguished,
13 and the acquiring entity is relieved of any further obligation under
14 this section.

15 (e) In the event that the acquiring entity and the former owner
16 cannot agree on the amount of compensation paid for a portion of the
17 property under (c)(i)(B) of this subsection, the acquiring entity and
18 the former owner shall each arrange for an independent appraisal of the
19 just compensation allocation to the portion of the property to be sold.
20 If the acquiring entity and the former owner cannot then agree on the
21 amount, either party may initiate a lawsuit to determine the amount, or
22 they may agree to binding arbitration in which case the appraisals
23 shall be submitted to a third, independent appraiser. The third
24 appraiser shall sit as an arbitrator and determine the amount of just
25 compensation under (c)(i)(B) of this subsection. The arbitrator's
26 decision shall be final and binding. The acquiring entity and former
27 owner shall bear their own costs and fees, and pay equally the costs
28 and fees of the arbitrator.

29 (4) The acquiring entity may reject a notice of intent under
30 subsection (3)(b) of this section received from a person claiming to be
31 a successor or assignee that is not accompanied by evidence sufficient
32 to demonstrate that the person is the successor or assignee of the
33 person from whom the acquiring entity acquired title.

34 (5) The obligations imposed on an acquiring entity in this section
35 are in addition to any provided by law for the surplusizing or sale of
36 public property to private parties. Nothing in this section precludes
37 an acquiring entity from retaining the property and determining not to
38 surplus and sell the property.

1 **Sec. 4.** RCW 28A.335.120 and 2006 c 263 s 913 are each amended to
2 read as follows:

3 (1) The board of directors of any school district of this state
4 may:

5 (a) Sell for cash, at public or private sale, and convey by deed
6 all interest of the district in or to any of the real property of the
7 district which is no longer required for school purposes; and

8 (b) Purchase real property for the purpose of locating thereon and
9 affixing thereto any house or houses and appurtenant buildings removed
10 from school sites owned by the district and sell for cash, at public or
11 private sale, and convey by deed all interest of the district in or to
12 such acquired and improved real property.

13 (2) When the board of directors of any school district proposes a
14 sale of school district real property pursuant to this section and the
15 value of the property exceeds seventy thousand dollars, the board shall
16 publish a notice of its intention to sell the property. The notice
17 shall be published at least once each week during two consecutive weeks
18 in a legal newspaper with a general circulation in the area in which
19 the school district is located. The notice shall describe the property
20 to be sold and designate the place where and the day and hour when a
21 hearing will be held. The board shall hold a public hearing upon the
22 proposal to dispose of the school district property at the place and
23 the day and hour fixed in the notice and admit evidence offered for and
24 against the propriety and advisability of the proposed sale.

25 (3) The board of directors of any school district desiring to sell
26 surplus real property shall publish a notice in a newspaper of general
27 circulation in the school district. School districts shall not sell
28 the property for at least forty-five days following the publication of
29 the newspaper notice.

30 (4) Private schools shall have the same rights as any other person
31 or entity to submit bids for the purchase of surplus real property and
32 to have such bids considered along with all other bids.

33 (5) Any sale of school district real property authorized pursuant
34 to this section shall be preceded by a market value appraisal by a
35 professionally designated real estate appraiser as defined in RCW
36 74.46.020 or a general real estate appraiser certified under chapter
37 18.140 RCW selected by the board of directors and no sale shall take
38 place if the sale price would be less than ninety percent of the

1 appraisal made by the real estate appraiser: PROVIDED, That if the
2 property has been on the market for one year or more the property may
3 be reappraised and sold for not less than seventy-five percent of the
4 reappraised value with the unanimous consent of the board.

5 (6) If in the judgment of the board of directors of any district
6 the sale of real property of the district not needed for school
7 purposes would be facilitated and greater value realized through use of
8 the services of licensed real estate brokers, a contract for such
9 services may be negotiated and concluded: PROVIDED, That the use of a
10 licensed real estate broker will not eliminate the obligation of the
11 board of directors to provide the notice described in this section:
12 PROVIDED FURTHER, That the fee or commissions charged for any broker
13 services shall not exceed seven percent of the resulting sale value for
14 a single parcel: PROVIDED FURTHER, That any professionally designated
15 real estate appraiser as defined in RCW 74.46.020 or a general real
16 estate appraiser certified under chapter 18.140 RCW selected by the
17 board to appraise the market value of a parcel of property to be sold
18 may not be a party to any contract with the school district to sell
19 such parcel of property for a period of three years after the
20 appraisal.

21 (7) If in the judgment of the board of directors of any district
22 the sale of real property of the district not needed for school
23 purposes would be facilitated and greater value realized through sale
24 on contract terms, a real estate sales contract may be executed between
25 the district and buyer.

26 (8) This section is subject to and operates only to the extent its
27 application is not inconsistent with the operation of section 3 of this
28 act with respect to property acquired through or under the threat of
29 condemnation.

30 **Sec. 5.** RCW 35.58.340 and 1993 c 240 s 9 are each amended to read
31 as follows:

32 Except as otherwise provided herein, a metropolitan municipal
33 corporation may sell, or otherwise dispose of any real or personal
34 property acquired in connection with any authorized metropolitan
35 function and which is no longer required for the purposes of the
36 metropolitan municipal corporation in the same manner as provided for
37 cities. When the metropolitan council determines that a metropolitan

1 facility or any part thereof which has been acquired from a component
2 city or county without compensation is no longer required for
3 metropolitan purposes, but is required as a local facility by the city
4 or county from which it was acquired, the metropolitan council shall by
5 resolution transfer it to such city or county. This section is subject
6 to and operates only to the extent its application is not inconsistent
7 with the operation of section 3 of this act with respect to property
8 acquired through or under the threat of condemnation.

9 **Sec. 6.** RCW 35.80A.030 and 1989 c 271 s 241 are each amended to
10 read as follows:

11 A county, city, or town may dispose of real property acquired
12 pursuant to this section to private persons only under such reasonable,
13 competitive procedures as it shall prescribe. The county, city, or
14 town may accept such proposals as it deems to be in the public interest
15 and in furtherance of the purposes of this chapter. Thereafter, the
16 county, city, or town may execute and deliver contracts, deeds, leases,
17 and other instruments of transfer. This section is subject to and
18 operates only to the extent its application is not inconsistent with
19 the operation of section 3 of this act with respect to property
20 acquired through or under the threat of condemnation.

21 **Sec. 7.** RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended
22 to read as follows:

23 Whenever a city shall determine, by resolution of its legislative
24 authority, that any lands, property, or equipment originally acquired
25 for public utility purposes is surplus to the city's needs and is not
26 required for providing continued public utility service, then such
27 legislative authority by resolution and after a public hearing may
28 cause such lands, property, or equipment to be leased, sold, or
29 conveyed. Such resolution shall state the fair market value or the
30 rent or consideration to be paid and such other terms and conditions
31 for such disposition as the legislative authority deems to be in the
32 best public interest.

33 The provisions of RCW 35.94.020 and 35.94.030 shall not apply to
34 dispositions authorized by this section.

35 This section is subject to and operates only to the extent its

1 application is not inconsistent with the operation of section 3 of this
2 act with respect to property acquired through or under the threat of
3 condemnation.

4 **Sec. 8.** RCW 36.68.010 and 1963 c 4 s 36.68.010 are each amended to
5 read as follows:

6 Counties may establish park and playground systems for public
7 recreational purposes and for such purposes shall have the power to
8 acquire lands, buildings and other facilities by gift, purchase, lease,
9 devise, bequest and condemnation. A county may lease or sell any park
10 property, buildings or facilities surplus to its needs, or no longer
11 suitable for park purposes: PROVIDED, That such park property shall be
12 subject to the requirements and provisions of notice, hearing, bid or
13 intergovernmental transfer as provided in chapter 36.34 RCW: PROVIDED
14 FURTHER, That nothing in this section shall be construed as authorizing
15 any county to sell any property which such county acquired by
16 condemnation for park or playground or other public recreational
17 purposes on or after January 1, 1960, until held for five years or more
18 after such acquisition: PROVIDED FURTHER, That funds acquired from the
19 lease or sale of any park property, buildings or facilities shall be
20 placed in the park and recreation fund to be used for capital purposes.
21 This section is subject to and operates only to the extent its
22 application is not inconsistent with the operation of section 3 of this
23 act with respect to property acquired through or under the threat of
24 condemnation.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 39.33 RCW
26 to read as follows:

27 This chapter is subject to and operates only to the extent its
28 application is not inconsistent with the operation of section 3 of this
29 act with respect to property acquired through or under the threat of
30 condemnation.

31 **Sec. 10.** RCW 43.43.115 and 1993 c 438 s 1 are each amended to read
32 as follows:

33 Whenever real property owned by the state of Washington and under
34 the jurisdiction of the Washington state patrol is no longer required,
35 it may be sold at fair market value. All proceeds received from the

1 sale of real property, less any real estate broker commissions, shall
2 be deposited into the state patrol highway account: PROVIDED, That if
3 accounts or funds other than the state patrol highway account have
4 contributed to the purchase or improvement of the real property, the
5 office of financial management shall determine the proportional equity
6 of each account or fund in the property and improvements, and shall
7 direct the proceeds to be deposited proportionally therein. This
8 section is subject to and operates only to the extent its application
9 is not inconsistent with the operation of section 3 of this act with
10 respect to property acquired through or under the threat of
11 condemnation.

12 **Sec. 11.** RCW 43.82.010 and 2007 c 506 s 8 are each amended to read
13 as follows:

14 (1) The director of general administration, on behalf of the agency
15 involved and after consultation with the office of financial
16 management, shall purchase, lease, lease purchase, rent, or otherwise
17 acquire all real estate, improved or unimproved, as may be required by
18 elected state officials, institutions, departments, commissions,
19 boards, and other state agencies, or federal agencies where joint state
20 and federal activities are undertaken and may grant easements and
21 transfer, exchange, sell, lease, or sublease all or part of any surplus
22 real estate for those state agencies which do not otherwise have the
23 specific authority to dispose of real estate. This section does not
24 transfer financial liability for the acquired property to the
25 department of general administration.

26 (2) Except for real estate occupied by federal agencies, the
27 director shall determine the location, size, and design of any real
28 estate or improvements thereon acquired or held pursuant to subsection
29 (1) of this section. Facilities acquired or held pursuant to this
30 chapter, and any improvements thereon, shall conform to standards
31 adopted by the director and approved by the office of financial
32 management governing facility efficiency unless a specific exemption
33 from such standards is provided by the director of general
34 administration. The director of general administration shall report to
35 the office of financial management and the appropriate committees of
36 the legislature annually on any exemptions granted pursuant to this
37 subsection.

1 (3) The director of general administration may fix the terms and
2 conditions of each lease entered into under this chapter, except that
3 no lease shall extend greater than twenty years in duration. The
4 director of general administration may enter into a long-term lease
5 greater than ten years in duration upon a determination by the director
6 of the office of financial management that the long-term lease provides
7 a more favorable rate than would otherwise be available, it appears to
8 a substantial certainty that the facility is necessary for use by the
9 state for the full length of the lease term, and the facility meets the
10 standards adopted pursuant to subsection (2) of this section. The
11 director of general administration may enter into a long-term lease
12 greater than ten years in duration if an analysis shows that the life-
13 cycle cost of leasing the facility is less than the life-cycle cost of
14 purchasing or constructing a facility in lieu of leasing the facility.

15 (4) Except as permitted under chapter 39.94 RCW, no lease for or on
16 behalf of any state agency may be used or referred to as collateral or
17 security for the payment of securities offered for sale through a
18 public offering. Except as permitted under chapter 39.94 RCW, no lease
19 for or on behalf of any state agency may be used or referred to as
20 collateral or security for the payment of securities offered for sale
21 through a private placement without the prior written approval of the
22 state treasurer. However, this limitation shall not prevent a lessor
23 from assigning or encumbering its interest in a lease as security for
24 the repayment of a promissory note provided that the transaction would
25 otherwise be an exempt transaction under RCW 21.20.320. The state
26 treasurer shall adopt rules that establish the criteria under which any
27 such approval may be granted. In establishing such criteria the state
28 treasurer shall give primary consideration to the protection of the
29 state's credit rating and the integrity of the state's debt management
30 program. If it appears to the state treasurer that any lease has been
31 used or referred to in violation of this subsection or rules adopted
32 under this subsection, then he or she may recommend that the governor
33 cause such lease to be terminated. The department of general
34 administration shall promptly notify the state treasurer whenever it
35 may appear to the department that any lease has been used or referred
36 to in violation of this subsection or rules adopted under this
37 subsection.

1 (5) It is the policy of the state to encourage the colocation and
2 consolidation of state services into single or adjacent facilities,
3 whenever appropriate, to improve public service delivery, minimize
4 duplication of facilities, increase efficiency of operations, and
5 promote sound growth management planning.

6 (6) The director of general administration shall provide
7 coordinated long-range planning services to identify and evaluate
8 opportunities for colocating and consolidating state facilities. Upon
9 the renewal of any lease, the inception of a new lease, or the purchase
10 of a facility, the director of general administration shall determine
11 whether an opportunity exists for colocating the agency or agencies in
12 a single facility with other agencies located in the same geographic
13 area. If a colocation opportunity exists, the director of general
14 administration shall consult with the affected state agencies and the
15 office of financial management to evaluate the impact colocation would
16 have on the cost and delivery of agency programs, including whether
17 program delivery would be enhanced due to the centralization of
18 services. The director of general administration, in consultation with
19 the office of financial management, shall develop procedures for
20 implementing colocation and consolidation of state facilities.

21 (7) The director of general administration is authorized to
22 purchase, lease, rent, or otherwise acquire improved or unimproved real
23 estate as owner or lessee and to lease or sublet all or a part of such
24 real estate to state or federal agencies. The director of general
25 administration shall charge each using agency its proportionate rental
26 which shall include an amount sufficient to pay all costs, including,
27 but not limited to, those for utilities, janitorial and accounting
28 services, and sufficient to provide for contingencies; which shall not
29 exceed five percent of the average annual rental, to meet unforeseen
30 expenses incident to management of the real estate.

31 (8) If the director of general administration determines that it is
32 necessary or advisable to undertake any work, construction, alteration,
33 repair, or improvement on any real estate acquired pursuant to
34 subsection (1) or (7) of this section, the director shall cause plans
35 and specifications thereof and an estimate of the cost of such work to
36 be made and filed in his or her office and the state agency benefiting
37 thereby is hereby authorized to pay for such work out of any available
38 funds: PROVIDED, That the cost of executing such work shall not exceed

1 the sum of twenty-five thousand dollars. Work, construction,
2 alteration, repair, or improvement in excess of twenty-five thousand
3 dollars, other than that done by the owner of the property if other
4 than the state, shall be performed in accordance with the public works
5 law of this state.

6 (9) In order to obtain maximum utilization of space, the director
7 of general administration shall make space utilization studies, and
8 shall establish standards for use of space by state agencies. Such
9 studies shall include the identification of opportunities for
10 colocation and consolidation of state agency office and support
11 facilities.

12 (10) The director of general administration may construct new
13 buildings on, or improve existing facilities, and furnish and equip,
14 all real estate under his or her management. Prior to the construction
15 of new buildings or major improvements to existing facilities or
16 acquisition of facilities using a lease purchase contract, the director
17 of general administration shall conduct an evaluation of the facility
18 design and budget using life-cycle cost analysis, value-engineering,
19 and other techniques to maximize the long-term effectiveness and
20 efficiency of the facility or improvement.

21 (11) All conveyances and contracts to purchase, lease, rent,
22 transfer, exchange, or sell real estate and to grant and accept
23 easements shall be approved as to form by the attorney general, signed
24 by the director of general administration or the director's designee,
25 and recorded with the county auditor of the county in which the
26 property is located.

27 (12) The director of general administration may delegate any or all
28 of the functions specified in this section to any agency upon such
29 terms and conditions as the director deems advisable. By January 1st
30 of each year, beginning January 1, 2008, the department shall submit an
31 annual report to the office of financial management and the appropriate
32 committees of the legislature on all delegated leases.

33 (13) This section does not apply to the acquisition of real estate
34 by:

35 (a) The state college and universities for research or experimental
36 purposes;

37 (b) The state liquor control board for liquor stores and
38 warehouses; and

1 (c) The department of natural resources, the department of fish and
2 wildlife, the department of transportation, and the state parks and
3 recreation commission for purposes other than the leasing of offices,
4 warehouses, and real estate for similar purposes.

5 (14) Notwithstanding any provision in this chapter to the contrary,
6 the department of general administration may negotiate ground leases
7 for public lands on which property is to be acquired under a financing
8 contract pursuant to chapter 39.94 RCW under terms approved by the
9 state finance committee.

10 (15) The department of general administration shall report annually
11 to the office of financial management and the appropriate fiscal
12 committees of the legislature on facility leases executed for all state
13 agencies for the preceding year, lease terms, and annual lease costs.
14 The report must include leases executed under RCW 43.82.045 and
15 subsection (12) of this section.

16 (16) This section is subject to and operates only to the extent its
17 application is not inconsistent with the operation of section 3 of this
18 act with respect to property acquired through or under the threat of
19 condemnation.

20 **Sec. 12.** RCW 47.12.063 and 2006 c 17 s 2 are each amended to read
21 as follows:

22 (1) It is the intent of the legislature to continue the
23 department's policy giving priority consideration to abutting property
24 owners in agricultural areas when disposing of property through its
25 surplus property program under this section.

26 (2) Whenever the department determines that any real property owned
27 by the state of Washington and under the jurisdiction of the department
28 is no longer required for transportation purposes and that it is in the
29 public interest to do so, the department may sell the property or
30 exchange it in full or part consideration for land or improvements or
31 for construction of improvements at fair market value to any of the
32 following governmental entities or persons:

- 33 (a) Any other state agency;
- 34 (b) The city or county in which the property is situated;
- 35 (c) Any other municipal corporation;
- 36 (d) Regional transit authorities created under chapter 81.112 RCW;

1 (e) The former owner of the property from whom the state acquired
2 title;

3 (f) In the case of residentially improved property, a tenant of the
4 department who has resided thereon for not less than six months and who
5 is not delinquent in paying rent to the state;

6 (g) Any abutting private owner but only after each other abutting
7 private owner (if any), as shown in the records of the county assessor,
8 is notified in writing of the proposed sale. If more than one abutting
9 private owner requests in writing the right to purchase the property
10 within fifteen days after receiving notice of the proposed sale, the
11 property shall be sold at public auction in the manner provided in RCW
12 47.12.283;

13 (h) To any person through the solicitation of written bids through
14 public advertising in the manner prescribed by RCW 47.28.050;

15 (i) To any other owner of real property required for transportation
16 purposes;

17 (j) In the case of property suitable for residential use, any
18 nonprofit organization dedicated to providing affordable housing to
19 very low-income, low-income, and moderate-income households as defined
20 in RCW 43.63A.510 and is eligible to receive assistance through the
21 Washington housing trust fund created in chapter 43.185 RCW; or

22 (k) A federally recognized Indian tribe within whose reservation
23 boundary the property is located.

24 (3) Sales to purchasers may at the department's option be for cash,
25 by real estate contract, or exchange of land or improvements.
26 Transactions involving the construction of improvements must be
27 conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable,
28 and must comply with all other applicable laws and rules.

29 (4) Conveyances made pursuant to this section shall be by deed
30 executed by the secretary of transportation and shall be duly
31 acknowledged.

32 (5) Unless otherwise provided, all moneys received pursuant to the
33 provisions of this section less any real estate broker commissions paid
34 pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

35 (6) This section is subject to and operates only to the extent its
36 application is not inconsistent with the operation of section 3 of this
37 act with respect to property acquired through or under the threat of
38 condemnation.

1 **Sec. 13.** RCW 47.12.283 and 1979 ex.s. c 189 s 1 are each amended
2 to read as follows:

3 (1) Whenever the department of transportation determines that any
4 real property owned by the state of Washington and under the
5 jurisdiction of the department is no longer required for highway
6 purposes and that it is in the public interest to do so, the department
7 may, in its discretion, sell the property under RCW 47.12.063 or under
8 subsections (2) through (6) of this section.

9 (2) Whenever the department determines to sell real property under
10 its jurisdiction at public auction, the department shall first give
11 notice thereof by publication on the same day of the week for two
12 consecutive weeks, with the first publication at least two weeks prior
13 to the date of the auction, in a legal newspaper of general circulation
14 in the area where the property to be sold is located. The notice shall
15 be placed in both the legal notices section and the real estate
16 classified section of the newspaper. The notice shall contain a
17 description of the property, the time and place of the auction, and the
18 terms of the sale. The sale may be for cash or by real estate
19 contract.

20 (3) The department shall sell the property at the public auction,
21 in accordance with the terms set forth in the notice, to the highest
22 and best bidder providing the bid is equal to or higher than the
23 appraised fair market value of the property.

24 (4) If no bids are received at the auction or if all bids are
25 rejected, the department may, in its discretion, enter into
26 negotiations for the sale of the property or may list the property with
27 a licensed real estate broker. No property shall be sold by
28 negotiations or through a broker for less than the property's appraised
29 fair market value. Any offer to purchase real property pursuant to
30 this subsection shall be in writing and may be rejected at any time
31 prior to written acceptance by the department.

32 (5) Before the department shall approve any offer for the purchase
33 of real property having an appraised value of more than ten thousand
34 dollars, pursuant to subsection (4) of this section, the department
35 shall first publish a notice of the proposed sale in a local newspaper
36 of general circulation in the area where the property is located. The
37 notice shall include a description of the property, the selling price,
38 the terms of the sale, including the price and interest rate if sold by

1 real estate contract, and the name and address of the department
2 employee or the real estate broker handling the transaction. The
3 notice shall further state that any person may, within ten days after
4 the publication of the notice, deliver to the designated state employee
5 or real estate broker a written offer to purchase the property for not
6 less than ten percent more than the negotiated sale price, subject to
7 the same terms and conditions. A subsequent offer shall not be
8 considered unless it is accompanied by a deposit of twenty percent of
9 the offer in the form of cash, money order, cashiers check, or
10 certified check payable to the Washington state treasurer, to be
11 forfeited to the state (for deposit in the motor vehicle fund) if the
12 offeror fails to complete the sale if the offeror's offer is accepted.
13 If a subsequent offer is received, the first offeror shall be informed
14 by registered or certified mail sent to the address stated in his
15 offer. The first offeror shall then have ten days, from the date of
16 mailing the notice of the increased offer, in which to file with the
17 designated state employee or real estate broker a higher offer than
18 that of the subsequent offeror. After the expiration of the ten day
19 period, the department shall approve in writing the highest and best
20 offer which the department then has on file.

21 (6) All moneys received pursuant to this section, less any real
22 estate broker's commissions paid pursuant to RCW 47.12.320, shall be
23 deposited in the motor vehicle fund.

24 (7) This section is subject to and operates only to the extent its
25 application is not inconsistent with the operation of section 3 of this
26 act with respect to property acquired through or under the threat of
27 condemnation.

28 **Sec. 14.** RCW 47.52.050 and 1971 ex.s. c 39 s 1 are each amended to
29 read as follows:

30 (1) For the purpose of this chapter the highway authorities of the
31 state, counties and incorporated cities and towns, respectively, or in
32 cooperation one with the other, may acquire private or public property
33 and property rights for limited access facilities and service roads,
34 including rights of access, air, view and light, by gift, devise,
35 purchase, or condemnation, in the same manner as such authorities are
36 now or hereafter may be authorized by law to acquire property or
37 property rights in connection with highways and streets within their

1 respective jurisdictions. Except as otherwise provided in subsection
2 (2) of this section all property rights acquired under the provisions
3 of this chapter shall be in fee simple. In the acquisition of property
4 or property rights for any limited access facility or portion thereof,
5 or for any service road in connection therewith, the state, county,
6 incorporated city and town authority may, in its discretion, acquire an
7 entire lot, block or tract of land, if by so doing the interest of the
8 public will be best served, even though said entire lot, block or tract
9 is not immediately needed for the limited access facility. This
10 subsection is subject to and operates only to the extent its
11 application is not inconsistent with the operation of section 3 of this
12 act with respect to property acquired through or under the threat of
13 condemnation.

14 (2) The highway authorities of the state, counties, and
15 incorporated cities and towns may acquire by gift, devise, purchase, or
16 condemnation a three dimensional air space corridor in fee simple over
17 or below the surface of the ground, together with such other property
18 in fee simple and other property rights as are needed for the
19 construction and operation of a limited access highway facility, but
20 only if the acquiring authority finds that the proposal will not:

21 (a) impair traffic safety on the highway or interfere with the free
22 flow of traffic; or

23 (b) permit occupancy or use of the air space above or below the
24 highway which is hazardous to the operation of the highway.

25 **Sec. 15.** RCW 53.08.090 and 1994 c 26 s 1 are each amended to read
26 as follows:

27 (1) A port commission may, by resolution, authorize the managing
28 official of a port district to sell and convey port district property
29 of ten thousand dollars or less in value. The authority shall be in
30 force for not more than one calendar year from the date of resolution
31 and may be renewed from year to year. Prior to any such sale or
32 conveyance the managing official shall itemize and list the property to
33 be sold and make written certification to the commission that the
34 listed property is no longer needed for district purposes. Any large
35 block of the property having a value in excess of ten thousand dollars
36 shall not be broken down into components of ten thousand dollars or
37 less value and sold in the smaller components unless the smaller

1 components be sold by public competitive bid. A port district may sell
2 and convey any of its real or personal property valued at more than ten
3 thousand dollars when the port commission has, by resolution, declared
4 the property to be no longer needed for district purposes, but no
5 property which is a part of the comprehensive plan of improvement or
6 modification thereof shall be disposed of until the comprehensive plan
7 has been modified to find the property surplus to port needs. The
8 comprehensive plan shall be modified only after public notice and
9 hearing provided by RCW 53.20.010.

10 Nothing in this section shall be deemed to repeal or modify
11 procedures for property sales within industrial development districts
12 as set forth in chapter 53.25 RCW.

13 (2) The ten thousand dollar figures in subsection (1) of this
14 section shall be adjusted annually based upon the governmental price
15 index established by the department of revenue under RCW 82.14.200.

16 (3) This section is subject to and operates only to the extent its
17 application is not inconsistent with the operation of section 3 of this
18 act with respect to property acquired through or under the threat of
19 condemnation.

20 **Sec. 16.** RCW 53.25.040 and 1989 c 167 s 1 are each amended to read
21 as follows:

22 (1) A port commission may, after a public hearing thereon, of which
23 at least ten days' notice shall be published in a newspaper of general
24 circulation in the port district, create industrial development
25 districts within the district and define the boundaries thereof, if it
26 finds that the creation of the industrial development district is
27 proper and desirable in establishing and developing a system of harbor
28 improvements and industrial development in the port district.

29 (2) The boundaries of an industrial development district created by
30 subsection (1) of this section may be revised from time to time by
31 resolution of the port commission, to delete land area therefrom, if
32 the land area to be deleted was acquired by the port district with its
33 own funds or by gift or transfer other than pursuant to RCW 53.25.050
34 or 53.25.060.

35 As to any land area to be deleted under this subsection that was
36 acquired or improved by the port district with funds obtained through
37 RCW 53.36.100, the port district shall deposit funds equal to the fair

1 market value of the lands and improvements into the fund for future use
2 described in RCW 53.36.100 and such funds shall be thereafter subject
3 to RCW 53.36.100. The fair market value of the land and improvements
4 shall be determined as of the effective date of the port commission
5 action deleting the land from the industrial development district and
6 shall be determined by an average of at least two independent
7 appraisals by professionally designated real estate appraisers as
8 defined in RCW 74.46.020 or licensed real estate brokers. The funds
9 shall be deposited into the fund for future use described in RCW
10 53.36.100 within ninety days of the effective date of the port
11 commission action deleting the land area from the industrial district.
12 Land areas deleted from an industrial development district under this
13 subsection shall not be further subject to the provisions of this
14 chapter. This subsection shall apply to presently existing and future
15 industrial development districts. Land areas deleted from an
16 industrial development district under this subsection that were
17 included within such district for less than two years, if the port
18 district acquired the land through condemnation or as a consequence of
19 threatened condemnation, shall be offered for sale, for cash, at the
20 appraised price, to the former owner of the property from whom the
21 district obtained title. Such offer shall be made by certified or
22 registered letter to the last known address of the former owner. The
23 letter shall include the appraised price of the property and notice
24 that the former owner must respond in writing within thirty days or
25 lose the right to purchase. If this right to purchase is exercised,
26 the sale shall be closed by midnight of the sixtieth day, including
27 nonbusiness days, following close of the thirty-day period. This
28 section is subject to and operates only to the extent its application
29 is not inconsistent with the operation of section 3 of this act with
30 respect to property acquired through or under the threat of
31 condemnation.

32 **Sec. 17.** RCW 70.44.300 and 1997 c 332 s 17 are each amended to
33 read as follows:

34 (1) The board of commissioners of any public hospital district may
35 sell and convey at public or private sale real property of the district
36 if the board determines by resolution that the property is no longer

1 required for public hospital district purposes or determines by
2 resolution that the sale of the property will further the purposes of
3 the public hospital district.

4 (2) Any sale of district real property authorized pursuant to this
5 section shall be preceded, not more than one year prior to the date of
6 sale, by market value appraisals by three licensed real estate brokers
7 or professionally designated real estate appraisers as defined in RCW
8 74.46.020 or three independent experts in valuing health care property,
9 selected by the board of commissioners, and no sale shall take place if
10 the sale price would be less than ninety percent of the average of such
11 appraisals.

12 (3) When the board of commissioners of any public hospital district
13 proposes a sale of district real property pursuant to this section and
14 the value of the property exceeds one hundred thousand dollars, the
15 board shall publish a notice of its intention to sell the property.
16 The notice shall be published at least once each week during two
17 consecutive weeks in a legal newspaper of general circulation within
18 the public hospital district. The notice shall describe the property
19 to be sold and designate the place where and the day and hour when a
20 hearing will be held. The board shall hold a public hearing upon the
21 proposal to dispose of the public hospital district property at the
22 place and the day and hour fixed in the notice and consider evidence
23 offered for and against the propriety and advisability of the proposed
24 sale.

25 (4) If in the judgment of the board of commissioners of any
26 district the sale of any district real property not needed for public
27 hospital district purposes would be facilitated and greater value
28 realized through use of the services of licensed real estate brokers,
29 a contract for such services may be negotiated and concluded. The fee
30 or commissions charged for any broker service shall not exceed seven
31 percent of the resulting sale price for a single parcel. No licensed
32 real estate broker or professionally designated real estate appraisers
33 as defined in RCW 74.46.020 or independent expert in valuing health
34 care property selected by the board to appraise the market value of a
35 parcel of property to be sold may be a party to any contract with the
36 public hospital district to sell such property for a period of three
37 years after the appraisal.

1 (5) This section is subject to and operates only to the extent its
2 application is not inconsistent with the operation of section 3 of this
3 act with respect to property acquired through or under the threat of
4 condemnation.

5 **Sec. 18.** RCW 79.36.330 and 2004 c 199 s 217 are each amended to
6 read as follows:

7 In the event the department should determine that the property
8 interests acquired under the authority of this chapter are no longer
9 necessary for the purposes for which they were acquired, the department
10 shall dispose of the same in the following manner, when in the
11 discretion of the department it is to the best interests of the state
12 of Washington to do so, except that property purchased with educational
13 funds or held in trust for educational purposes shall be sold only in
14 the same manner as are state lands:

15 (1) Where the state property necessitating the acquisition of
16 private property interests for access purposes under authority of this
17 chapter is sold or exchanged, the acquired property interests may be
18 sold or exchanged as an appurtenance of the state property when it is
19 determined by the department that sale or exchange of the state
20 property and acquired property interests as one parcel is in the best
21 interests of the state.

22 (2) If the acquired property interests are not sold or exchanged as
23 provided in subsection (1) of this section, the department shall notify
24 the person or persons from whom the property interest was acquired,
25 stating that the property interests are to be sold, and that the person
26 or persons shall have the right to purchase the same at the appraised
27 price. The notice shall be given by registered letter or certified
28 mail, return receipt requested, mailed to the last known address of the
29 person or persons. If the address of the person or persons is unknown,
30 the notice shall be published twice in an official newspaper of general
31 circulation in the county where the lands or a portion thereof is
32 located. The second notice shall be published not less than ten nor
33 more than thirty days after the notice is first published. The person
34 or persons shall have thirty days after receipt of the registered
35 letter or five days after the last date of publication, as the case may
36 be, to notify the department, in writing, of their intent to purchase
37 the offered property interest. The purchaser shall include with his or

1 her notice of intention to purchase, cash payment, certified check, or
2 money order in an amount not less than one-third of the appraised
3 price. No instrument conveying property interests shall issue from the
4 department until the full price of the property is received by the
5 department. All costs of publication required under this section shall
6 be added to the appraised price and collected by the department upon
7 sale of the property interests.

8 (3) If the property interests are not sold or exchanged as provided
9 in subsections (1) and (2) of this section, the department shall notify
10 the owners of land abutting the property interests in the same manner
11 as provided in subsection (2) of this section and their notice of
12 intent to purchase shall be given in the manner and in accordance with
13 the same time limits as are set forth in subsection (2) of this
14 section. However, if more than one abutting owner gives notice of
15 intent to purchase the property interests, the department shall
16 apportion them in relation to the lineal footage bordering each side of
17 the property interests to be sold, and apportion the costs to the
18 interested purchasers in relation thereto. Further, no sale is
19 authorized by this section unless the department is satisfied that the
20 amounts to be received from the several purchasers will equal or exceed
21 the appraised price of the entire parcel plus any costs of publishing
22 notices.

23 (4) If no sale or exchange is consummated as provided in
24 subsections (1) through (3) of this section, the department shall sell
25 the properties in the same manner as state lands are sold.

26 (5) Any disposal of property interests authorized by this chapter
27 shall be subject to any existing rights previously granted by the
28 department.

29 (6) This section is subject to and operates only to the extent its
30 application is not inconsistent with the operation of section 3 of this
31 act with respect to property acquired through or under the threat of
32 condemnation.

33 **Sec. 19.** RCW 80.28.230 and 1961 c 14 s 80.28.230 are each amended
34 to read as follows:

35 Any property or interest acquired as provided in RCW 80.28.220
36 shall be used exclusively for the purposes for which it was acquired:
37 PROVIDED, HOWEVER, That if any such property be sold or otherwise

1 disposed of by said corporations, such sale or disposition shall be by
2 public sale or disposition and advertised in the manner of public sales
3 in the county where such property is located. This section is subject
4 to and operates only to the extent its application is not inconsistent
5 with the operation of section 3 of this act with respect to property
6 acquired through or under the threat of condemnation.

7 **Sec. 20.** RCW 80.40.030 and 1963 c 201 s 4 are each amended to read
8 as follows:

9 Any natural gas company having received an order under RCW
10 80.40.040 shall have the right of eminent domain to be exercised in the
11 manner provided in and subject to the provisions of chapter 8.20 RCW to
12 acquire for its use for the underground storage of natural gas any
13 underground reservoir, as well as such other property or interests in
14 property as may be required to adequately maintain and utilize the
15 underground reservoir for the underground storage of natural gas,
16 including easements and rights of way for access to and egress from the
17 underground storage reservoir. The right of eminent domain granted
18 hereby shall apply to property or property interests held in private
19 ownership, provided condemnor has exercised good faith in negotiations
20 for private sale or lease. No property shall be taken or damaged until
21 the compensation to be made therefor shall have been ascertained and
22 paid. Any property or interest therein so acquired by any natural gas
23 company shall be used exclusively for the purposes for which it was
24 acquired. Any decree of appropriation hereunder shall define and limit
25 the rights condemned and shall provide for the reversion of such rights
26 to the defendant or defendants or their successors in interest upon
27 abandonment of the underground storage project. Good faith exploration
28 work or development work relative to the storage reservoir is
29 conclusive evidence that its use has not been abandoned. The court may
30 include in such decree such other relevant conditions, covenants and
31 restrictions as it may deem fair and equitable. This section is
32 subject to and operates only to the extent its application is not
33 inconsistent with the operation of section 3 of this act with respect
34 to property acquired through or under the threat of condemnation.

35 **Sec. 21.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to
36 read as follows:

1 An authority shall have the following powers in addition to the
2 general powers granted by this chapter:

3 (1) To carry out the planning processes set forth in RCW
4 81.104.100;

5 (2) To acquire by purchase, condemnation, gift, or grant and to
6 lease, construct, add to, improve, replace, repair, maintain, operate,
7 and regulate the use of high capacity transportation facilities and
8 properties within authority boundaries including surface, underground,
9 or overhead railways, tramways, busways, buses, bus sets, entrained and
10 linked buses, ferries, or other means of local transportation except
11 taxis, and including escalators, moving sidewalks, personal rapid
12 transit systems or other people-moving systems, passenger terminal and
13 parking facilities and properties, and such other facilities and
14 properties as may be necessary for passenger, vehicular, and vessel
15 access to and from such people-moving systems, terminal and parking
16 facilities and properties, together with all lands, rights of way,
17 property, equipment, and accessories necessary for such high capacity
18 transportation systems. When developing specifications for high
19 capacity transportation system operating equipment, an authority shall
20 take into account efforts to establish or sustain a domestic
21 manufacturing capacity for such equipment. The right of eminent domain
22 shall be exercised by an authority in the same manner and by the same
23 procedure as or may be provided by law for cities of the first class,
24 except insofar as such laws may be inconsistent with the provisions of
25 this chapter. Public transportation facilities and properties which
26 are owned by any city, county, county transportation authority, public
27 transportation benefit area, or metropolitan municipal corporation may
28 be acquired or used by an authority only with the consent of the agency
29 owning such facilities. Such agencies are hereby authorized to convey
30 or lease such facilities to an authority or to contract for their joint
31 use on such terms as may be fixed by agreement between the agency and
32 the authority.

33 The facilities and properties of an authority whose vehicles will
34 operate primarily within the rights of way of public streets, roads, or
35 highways, may be acquired, developed, and operated without the corridor
36 and design hearings that are required by RCW 35.58.273 for mass transit
37 facilities operating on a separate right of way;

1 (3) To dispose of any real or personal property acquired in
2 connection with any authority function and that is no longer required
3 for the purposes of the authority, in the same manner as provided for
4 cities of the first class. When an authority determines that a
5 facility or any part thereof that has been acquired from any public
6 agency without compensation is no longer required for authority
7 purposes, but is required by the agency from which it was acquired, the
8 authority shall by resolution transfer it to such agency. This
9 subsection is subject to and operates only to the extent its
10 application is not inconsistent with the operation of section 3 of this
11 act with respect to property acquired through or under the threat of
12 condemnation;

13 (4) To fix rates, tolls, fares, and charges for the use of such
14 facilities and to establish various routes and classes of service.
15 Fares or charges may be adjusted or eliminated for any distinguishable
16 class of users.

17 NEW SECTION. Sec. 22. A new section is added to chapter 8.04 RCW
18 to read as follows:

19 (1) No public entity that is subject to this chapter or that
20 derives authority from this chapter may take private property
21 substantially for the purpose of:

22 (a) Increasing tax revenues or the tax base;

23 (b) Increasing employment; or

24 (c) Transferring the private property to another private person or
25 entity.

26 (2)(a) This section does not apply to the use of eminent domain by
27 a county, city, or town, under chapter 35.80A RCW, or under chapter
28 35.81 RCW, the community renewal law.

29 (b) This section does not apply to port districts, or to public
30 service companies as defined in RCW 80.04.010, or to common carriers as
31 defined in RCW 81.04.010, and does not by implication increase,
32 decrease, or alter the powers of eminent domain of those districts,
33 public service companies, or common carriers.

34 NEW SECTION. Sec. 23. A new section is added to chapter 8.08 RCW
35 to read as follows:

1 (1) No public entity that is subject to this chapter or that
2 derives authority from this chapter may take private property
3 substantially for the purpose of:

4 (a) Increasing tax revenues or the tax base;

5 (b) Increasing employment; or

6 (c) Transferring the private property to another private person or
7 entity.

8 (2)(a) This section does not apply to the use of eminent domain by
9 a county, city, or town, under chapter 35.80A RCW, or under chapter
10 35.81 RCW, the community renewal law.

11 (b) This section does not apply to port districts, or to public
12 service companies as defined in RCW 80.04.010, or to common carriers as
13 defined in RCW 81.04.010, and does not by implication increase,
14 decrease, or alter the powers of eminent domain of those districts,
15 public service companies, or common carriers.

16 NEW SECTION. **Sec. 24.** A new section is added to chapter 8.12 RCW
17 to read as follows:

18 (1) No public entity that is subject to this chapter or that
19 derives authority from this chapter may take private property
20 substantially for the purpose of:

21 (a) Increasing tax revenues or the tax base;

22 (b) Increasing employment; or

23 (c) Transferring the private property to another private person or
24 entity.

25 (2)(a) This section does not apply to the use of eminent domain by
26 a county, city, or town, under chapter 35.80A RCW, or under chapter
27 35.81 RCW, the community renewal law.

28 (b) This section does not apply to port districts, or to public
29 service companies as defined in RCW 80.04.010, or to common carriers as
30 defined in RCW 81.04.010, and does not by implication increase,
31 decrease, or alter the powers of eminent domain of those districts,
32 public service companies, or common carriers.

33 NEW SECTION. **Sec. 25.** A new section is added to chapter 8.16 RCW
34 to read as follows:

35 (1) No public entity that is subject to this chapter or that

1 derives authority from this chapter may take private property
2 substantially for the purpose of:

- 3 (a) Increasing tax revenues or the tax base;
- 4 (b) Increasing employment; or
- 5 (c) Transferring the private property to another private person or
6 entity.

7 (2)(a) This section does not apply to the use of eminent domain by
8 a county, city, or town, under chapter 35.80A RCW, or under chapter
9 35.81 RCW, the community renewal law.

10 (b) This section does not apply to port districts, or to public
11 service companies as defined in RCW 80.04.010, or to common carriers as
12 defined in RCW 81.04.010, and does not by implication increase,
13 decrease, or alter the powers of eminent domain of those districts,
14 public service companies, or common carriers.

15 NEW SECTION. **Sec. 26.** A new section is added to chapter 8.20 RCW
16 to read as follows:

17 (1) No public entity that is subject to this chapter or that
18 derives authority from this chapter may take private property
19 substantially for the purpose of:

- 20 (a) Increasing tax revenues or the tax base;
- 21 (b) Increasing employment; or
- 22 (c) Transferring the private property to another private person or
23 entity.

24 (2)(a) This section does not apply to the use of eminent domain by
25 a county, city, or town, under chapter 35.80A RCW, or under chapter
26 35.81 RCW, the community renewal law.

27 (b) This section does not apply to port districts, or to public
28 service companies as defined in RCW 80.04.010, or to common carriers as
29 defined in RCW 81.04.010, and does not by implication increase,
30 decrease, or alter the powers of eminent domain of those districts,
31 public service companies, or common carriers.

32 NEW SECTION. **Sec. 27.** A new section is added to chapter 8.25 RCW
33 to read as follows:

34 (1) No public entity may take private property substantially for
35 the purpose of:

- 36 (a) Increasing tax revenues or the tax base;

- 1 (b) Increasing employment; or
- 2 (c) Transferring the private property to another private person or
- 3 entity.

4 (2)(a) This section does not apply to the use of eminent domain by
5 a county, city, or town, under chapter 35.80A RCW, or under chapter
6 35.81 RCW, the community renewal law.

7 (b) This section does not apply to port districts, or to public
8 service companies as defined in RCW 80.04.010, or to common carriers as
9 defined in RCW 81.04.010, and does not by implication increase,
10 decrease, or alter the powers of eminent domain of those districts,
11 public service companies, or common carriers.

12 NEW SECTION. **Sec. 28.** This act applies to condemnation
13 proceedings commenced on or after the effective date of this act."

14 Correct the title.

EFFECT: Requires a condemnor to provide the written statement documenting its consideration of reasonable alternatives at the time of the initial offer of just compensation (rather than 30 days before the condemnation trial). Requires the condemnor to consider reasonable alternatives submitted by the property owner up to the time of the condemnor's notice of planned final action, or up to 60 days after the initial offer of just compensation is made, whichever is longer. Requires the condemnor to give thorough consideration to reasonable alternatives submitted by the owner, and a written response regarding its decision, prior to taking final action.

Changes the limit on the condemnee's recovery of costs incurred in evaluating a condemnor's offer to "the reasonable fees of a licensed appraiser."

Provides that if property acquired through condemnation is not put to a public use within 5 years, the entity that acquired the property must provide written notice to a former owner who retained a repurchase right certifying that the acquiring entity is making reasonable progress towards the project for which the property was condemned.

Removes language prohibiting condemnation "solely for the purpose of economic development" and instead prohibits condemnations that are "substantially for the purpose of: Increasing tax revenues or the tax base; increasing employment; or transferring private property to another private person or entity." Exempts from this prohibition the use of eminent domain by a county, city, or town under the Community Renewal Law and another chapter of law concerning blighted property. Also exempts port districts, public service companies, and common carriers.

--- END ---