

HOUSE BILL REPORT

HB 2920

As Passed House:
February 13, 2008

Title: An act relating to an eminent domain information pamphlet.

Brief Description: Requiring the creation and distribution of an eminent domain information pamphlet.

Sponsors: By Representatives Kessler, Rodne, Springer, Upthegrove, Morrell and VanDeWege; by request of Attorney General.

Brief History:

Committee Activity:

Judiciary: 1/23/08, 2/4/08 [DP].

Floor Activity:

Passed House: 2/13/08, 96-0.

Brief Summary of Bill

- Requires the Attorney General's Office to develop an eminent domain pamphlet.
- Requires the pamphlet to be sent out with each notice of planned final action in condemnation proceedings.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Jim Morishima (786-7191).

Background:

Eminent domain is the power of the government to take private property for public use. The state has the power of eminent domain inherently; it is not derived from, but is limited by the

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state and federal constitutions. The power of eminent domain has been extended to other entities in the state through the state constitution and by statute.

The judicial proceeding in which the power of eminent domain is exercised is known as a "condemnation proceeding." At least 15 days prior to a planned final action in a condemnation proceeding, the condemning entity must send notice of the proceeding to every property owner for each property potentially subject to condemnation. The notice must contain a general description of the property and must specify that condemnation of the property will be considered during the final action. The notice must also describe the date, time, and location of the final action at which the condemning entity will decide whether to authorize condemnation of the property.

Summary of Bill:

The Attorney General's Office must, by December 1, 2009, publish, and update when appropriate, an eminent domain pamphlet. The pamphlet must be written in plain language, explaining:

- eminent domain and its purposes and scope;
- the authority of agencies and entities exercising eminent domain;
- the rights of persons subject to eminent domain proceedings; and
- any other issues pertaining to eminent domain as determined by the Attorney General.

A copy of the pamphlet must be mailed with each notice of planned final action in condemnation proceedings.

Appropriation: None.

Fiscal Note: Requested on 1/17/08.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Persons whose property is being condemned in eminent domain proceedings often do not understand what is happening to them. This bill is a good government bill. It would require a pamphlet that explains eminent domain in plain English to be sent to persons whose property is being condemned.

(Opposed) None.

Persons Testifying: Representative Kessler, prime sponsor; Tim Ford, Attorney General's Office; Dan Wood, Farm Bureau; Bill Maurer, Institute for Justice, and Ken Miller.

Persons Signed In To Testify But Not Testifying: None.