

SENATE BILL REPORT

SB 5142

As of January 17, 2025

Title: An act relating to providing owners of real estate taken through eminent domain by school districts, or sold under threat of eminent domain, the opportunity to purchase the real estate back when it is not put to intended public use.

Brief Description: Providing owners of real estate taken through eminent domain by school districts, or sold under threat of eminent domain, the opportunity to purchase the real estate back when it is not put to intended public use.

Sponsors: Senators Hasegawa, Chapman, Nobles, Schoesler and Wellman.

Brief History:

Committee Activity: Law & Justice: 1/23/25.

Brief Summary of Bill

- Requires school districts that acquire real estate through a condemnation action or threat of a condemnation action to offer the previous owner an opportunity to purchase it back before selling, transferring, or putting it to any other use.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Patrick Moore (786-7535)

Background: Eminent Domain by School Districts. By statute, school districts in the state may take privately-owned real estate through an action in superior court known as condemnation. School districts that take real estate through condemnation must pay the amount of money determined by a judge or jury to be the fair and full value of the property taken as compensation to the owner of that property.

Instead of bringing a condemnation action or reaching a final judgment in one, a school

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district may agree with an owner to purchase real property.

Summary of Bill: When a school district acquires real property through a condemnation action in court, or purchases real property after giving the owner written notice that the school district intends to bring such a condemnation action in court, it incurs several obligations.

If the property is acquired without a judgment in a condemnation action, the school district must provide the previous property owner a written statement identifying the use for which the property is being acquired. When acquired through condemnation or threat thereof, if the school district does not put that property to use as a site for a schoolhouse or as additional grounds for an existing schoolhouse site, the property cannot be sold, transferred, or used for a different purpose until after the school district offers the previous owner an opportunity to purchase the property back.

The written offer to sell the property back must be for the purchase price paid by the school district or, if acquired through a condemnation action, for the amount paid by the school district as compensation per the judgment.

Once a property is put to use as a schoolhouse site or additional grounds to a schoolhouse site, the obligation of the school district to offer to sell back to the previous owner ends. Property owners may waive their rights to receive the offer and purchase back by executing a written waiver.

Appropriation: None.

Fiscal Note: Requested on January 17, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.