

HOUSE BILL REPORT

HB 1277

As Amended by the Senate

Title: An act relating to tribes holding conservation easements.

Brief Description: Concerning tribes holding conservation easements.

Sponsors: Representatives Sawyer, Zeiger, McCoy, Angel, Appleton, Morris, Kirby, Maxwell, Santos, Lias, Tarleton, Freeman, Morrell, Riccelli, Wilcox, Lytton, Jinkins, Ryu, Dahlquist, Fey, Pollet and Ormsby.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/30/13, 2/5/13 [DP].

Floor Activity:

Passed House: 2/20/13, 75-22.

Senate Amended.

Passed Senate: 4/15/13, 48-0.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes federally recognized tribes to acquire a conservation easement.
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HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 9 members: Representatives McCoy, Chair; Appleton, Vice Chair; Angel, Ranking Minority Member; Johnson, Assistant Ranking Minority Member; Haler, Pike, Ryu, Santos and Sawyer.

Staff: Sean Flynn (786-7124).

Background:

A "conservation easement" is a commonly used term to refer to a property interest that limits the future use or development of property in order to preserve the natural condition of the land. Certain government and nonprofit entities may purchase or acquire an interest in qualifying open space, farm or agricultural land, or timber land in order to protect, preserve,

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maintain, improve, restore, limit the future use, or otherwise conserve the land for public use or enjoyment. An entity may acquire such an interest in the property for the purpose of conveying or leasing it back to the original owner or other person with similar restrictions on future use.

At first, only counties, cities, towns, and metropolitan municipal corporations were eligible to acquire conservation easements. Over the years, nonprofit nature conservancies (1975-76), nonprofit historic preservation corporations (1987), and metropolitan park districts (1993) were added to the list of eligible entities.

The ownership of a conservation easement is classified as real property. State and federal agencies also may own such a right or interest as real property. Real property purchased or acquired by a federally recognized tribe outside of its reservation generally is held in fee and subject to state property laws.

Summary of Bill:

Federally recognized tribes are included in the list of entities authorized to acquire a conservation easement. Federally recognized tribes are able to hold such a right or interest as real property.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removes the provision adding tribes to the list of entities authorized to acquire an interest in selected open space, agricultural, or timber land for conservation purposes.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This would allow tribes to participate in environmental protection in a new and positive way with voluntary property owners.

(Opposed) None.

Persons Testifying: Representative Sawyer, prime sponsor; and Davor Gjurasic, Nisqually Indian Tribe.

Persons Signed In To Testify But Not Testifying: None.