

HOUSE BILL REPORT

HB 1286

As Passed House:
February 13, 2014

Title: An act relating to the sale or exchange of unused department of transportation lands to federally recognized Indian tribes.

Brief Description: Authorizing the sale or exchange of unused department of transportation lands to federally recognized Indian tribes.

Sponsors: Representatives Sawyer, Dahlquist, Clibborn, Jinkins, Ryu, Zeiger, Tharinger, Santos and Pollet.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/30/13, 2/5/13 [DP], 1/16/14, 1/23/14 [DP].

Transportation: 2/18/13, 2/21/13 [DP], 1/30/14 [DP].

Floor Activity:

Passed House: 3/5/13, 67-29.

Floor Activity:

Passed House: 2/13/14, 62-36.

Brief Summary of Bill

- Authorizes the transfer and conveyance of unused Washington State Department of Transportation real property to a federally recognized Indian tribe.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 5 members: Representatives Appleton, Chair; Sawyer, Vice Chair; Gregerson, Robinson and Santos.

Minority Report: Do not pass. Signed by 4 members: Representatives Johnson, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Hope and Young.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Sean Flynn (786-7124).

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 19 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist, Fitzgibbon, Freeman, Habib, Johnson, Moeller, Morris, Ortiz-Self, Riccelli, Ryu, Sells, Takko, Tarleton, Walkinshaw and Zeiger.

Minority Report: Do not pass. Signed by 11 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Hawkins, Hayes, Klippert, Kochmar, Muri, Pike, Shea and Young.

Staff: Andrew Russell (786-7143).

Background:

The Washington State Department of Transportation (DOT) is authorized to sell state-owned real property within its jurisdiction that is no longer required for transportation purposes. The DOT may sell the property for fair market value at public auction, or it may forgo a public auction and sell at fair market value to certain persons or entities, including:

- a city or county in which the property is located;
- any other municipal corporation;
- a regional transit authority;
- the former owner of the property from whom the state acquired title;
- a tenant who has resided on the property for at least six months;
- any abutting landowner, after all other abutting landowners receive notice of the proposed sale;
- any other owner of real property that is required for transportation purposes;
- any nonprofit organization that provides affordable housing; or
- a federally recognized Indian tribe within whose reservation the property is located.

The Secretary of Transportation also may make an agreement to transfer or convey any unused DOT real property with:

- a federal agency;
- another state agency;
- any county or city or port district of the state; or
- any public utility company.

The transfer or conveyance must be, in the judgment of the Secretary of Transportation and the Attorney General, consistent with the public interest.

Summary of Bill:

The Secretary of Transportation may transfer and convey any unused DOT real property to a federally recognized Indian tribe when the transfer or conveyance is, in the judgment of the Secretary of Transportation and the Attorney General, consistent with the public interest.

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 (Community Development, Housing & Tribal Affairs):

(In support) There have been a couple of occasions where a transfer to tribes was beneficial to the state for road maintenance, but the DOT was unable to make the transfer because of restricted authorization. Tribes should have the same opportunities as other governments.

State law was amended in 2011 to allow all state government bodies to exchange lands with other governments. The DOT determined that it could not operate under that general power while it had its own specific authorization that did not include the transfer with tribes. This bill allows a tribe enter into a mutually agreed upon exchange with the DOT that is beneficial to both parties.

(Opposed) None.

Staff Summary of Public Testimony (Transportation):

See House Bill Report in the 2013 Regular Session.

Persons Testifying (Community Development, Housing & Tribal Affairs): Representative Sawyer, prime sponsor; and Rick Jensen, Muckleshoot Tribe.

Persons Testifying (Transportation): See House Bill Report in the 2013 Regular Session.

Persons Signed In To Testify But Not Testifying (Community Development, Housing & Tribal Affairs): None.

Persons Signed In To Testify But Not Testifying (Transportation): See House Bill Report in the 2013 Regular Session.