

SENATE BILL REPORT

SCR 8426

As Reported By Senate Committee On:
Health & Long-Term Care, February 23, 1996

Brief Description: Resolving to retain independent legal counsel to determine the legal status of granted lands in the Fort Steilacoom Military Reservation.

Sponsors: Senators Wojahn, Winsley, Rasmussen, Franklin, Oke and Goings.

Brief History:

Committee Activity: Health & Long-Term Care: 1/25/96, 2/23/96 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Quigley, Chair; Wojahn, Vice Chair; Deccio, Fairley, Franklin, Thibaudeau, Winsley and Wood.

Staff: Don Sloma (786-7319)

Background: In 1874, the federal government donated 375 acres in Pierce County for use by the state as an "asylum for the insane." Subsequent parcels were purchased by or donated to the state to comprise the current 839 acre campus at Steilacoom. The campus includes Western State Hospital, Child Study and Treatment Center, several acres used by the Department of Corrections for a work release facility and a parking lot, a local fire station, and several leases. The leases include a 140-acre campus of Pierce College leased for \$4,760 per year, a 331-acre park leased to Pierce County for \$1,500 per year, and a 101-acre golf course, softball field, access and buffer areas, leased to Pierce County for \$2,100 per year.

Beginning in 1975, the federal Bureau of Land Management (BLM) initiated action against the state when it discovered the majority of the original 375-acre federal land grant was being used for a public park. This action ended in 1988 when the BLM approved the state's application for a modification to the original grant of land which would allow the state to transfer the property to Pierce County for recreational purposes.

Since that time, several researched legal opinions have been sought on the trust status of the original 375-acre land grant. The Attorney General's office issued a formal opinion in 1992, stating that trust principles do not apply to the granted land. A separate legal opinion rendered by Preston, Thorgrimson, Shidler, Gates and Ellis for an advocacy organization for the disabled under a contract with the state Department of Community Development, concluded the land in question "...should be subject to a public trust under the state constitution." However, the Attorney General, having been requested to do so on at least two occasions since, has refused to reconsider its 1992 opinion.

Summary of Bill: The Legislature authorizes an action to determine the legal status of the Fort Steilacoom land grant to the state to determine if the grant constitutes a public trust, and if trust land principles apply. The Senate Facilities and Operations Committee and the House Executive Rules Committee are authorized to accomplish the purposes of the resolution.

Appropriation: None.

Fiscal Note: Requested on January 19, 1996.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This resolution is needed to help resolve an important legal issue about the trust status of a long-standing land grant.

Testimony Against: None.

Testified: Dick Dorsett, Jan Wolcott, Pierce County (pro).