

# HOUSE BILL REPORT

## HB 1277

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### As Passed Legislature

**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.

House Concurred.

Passed House: 4/18/13, 73-21.

Passed Legislature.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Enables federally recognized tribes to acquire and hold a conservation easement or other similar future interest in land as real property.</li></ul>
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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:**

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*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.*

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, maintain, improve, restore, limit the future use, or otherwise conserve the land for public use or enjoyment.

The ownership of a conservation easement is classified as real property. Eligible entities, including state and federal agencies, may hold 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 recognized entities that may acquire and hold a conservation easement and other similar future interest in land as a real property.

**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.