

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1102

58th Legislature
2003 Regular Session

Passed by the House April 21, 2003
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 16, 2003
Yeas 46 Nays 3

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1102** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1102

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Murray, Ericksen, Rockefeller, Wood and Mielke

Read first time 01/16/2003. Referred to Committee on Transportation.

1 AN ACT Relating to exchange agreements for environmental mitigation
2 sites; and amending RCW 47.12.370.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 47.12.370 and 2002 c 188 s 1 are each amended to read
5 as follows:

6 (1) The department may enter into exchange agreements with local,
7 state, or federal agencies, tribal governments, or private nonprofit
8 (~~groups incorporated in this state that are organized for~~
9 ~~environmental conservation purposes~~) nature conservancy corporations
10 as defined in RCW 64.04.130, to convey properties under the
11 jurisdiction of the department that serve as environmental mitigation
12 sites, as full or part consideration for the grantee assuming all
13 future maintenance and operation obligations and costs required to
14 maintain and operate the environmental mitigation site in perpetuity.

15 (2) Tribal governments shall only be eligible to participate in an
16 exchange agreement if they:

17 (a) Provide the department with a valid waiver of their tribal
18 sovereign immunity from suit. The waiver must allow the department to

1 enforce the terms of the exchange agreement or quitclaim deed in state
2 court; and

3 (b) Agree that the property shall not be placed into trust status.

4 (3) The conveyances must be by quitclaim deed, or other form of
5 conveyance, executed by the secretary of transportation, and must
6 expressly restrict the use of the property to a mitigation site
7 consistent with preservation of the functions and values of the site,
8 and must provide for the automatic reversion to the department if the
9 property is not used as a mitigation site or is not maintained in a
10 manner that complies with applicable permits, laws, and regulations
11 pertaining to the maintenance and operation of the mitigation site.

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