

HOUSE BILL REPORT

HB 1039

As Passed House:
February 13, 2025

Title: An act relating to extending governmental services from cities to tribal lands.

Brief Description: Concerning extending governmental services from cities to tribal lands.

Sponsors: Representatives Abbarno and Orcutt.

Brief History:

Committee Activity:

Local Government: 1/28/25, 1/31/25 [DP].

Floor Activity:

Passed House: 2/13/25, 93-0.

Brief Summary of Bill

- Allows for the extension of urban governmental services beyond a city and urban growth areas to a federally recognized Indian tribe, subject to specified conditions.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey, Hunt and Zahn.

Staff: Michelle Rusk (786-7153).

Background:

Growth Management Act.

The Growth Management Act (GMA) requires that certain counties, and the cities within

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those counties, engage in planning for future population growth. The central part of the planning process is the comprehensive plan. The Legislature has established 15 goals that act as the basis of all comprehensive plans, including reducing sprawl, providing for affordable housing, and protecting property rights. The comprehensive plan must address these goals and set out the policies and standards that are meant to guide the city or county's actions and decisions in the future.

Comprehensive plans are required to be updated every 10 years and must contain certain elements, such as a land use element, a housing element, and a capital facilities plan. These elements must satisfy the requirements for each individual element while fitting within the overall comprehensive plan.

Urban Growth Areas.

One aspect of a comprehensive plan that must be reviewed every 10 years is the designation of urban growth areas (UGAs). Urban growth is growth that makes such intensive use of land for buildings, structures, and impermeable surfaces that is unsuitable to be used primarily for agriculture, natural resource use and management, or for rural uses. A UGA is an area designated by a county planning under the GMA inside of which urban growth is encouraged, and outside of which urban growth is prohibited. Each city must be included in a UGA, and a UGA can include more than one city within its boundaries. Areas outside of a city can also be included within a UGA, if the areas are already characterized by urban growth.

Governmental Services.

In general, cities are the most appropriate for providing urban governmental services. Urban governmental services include those services that are typically provided in cities, including storm and sewer systems, domestic water systems, public transit, public safety, and other services associated with urban areas and not associated with rural areas. It is generally not appropriate that urban governmental services are extended or expanded into rural areas, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment, and when services are financially supportable at rural densities and do not permit urban development.

Summary of Bill:

Governmental Services.

Before December 31, 2028, if agreed upon between a federally recognized Indian tribe and a city located in a county touching the Columbia River with a population of greater than 500,000, urban governmental services may be extended beyond the city and urban growth areas to property within the federally recognized Indian tribe's jurisdiction that abuts the city's boundaries.

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 bill addresses a truly unique situation and is also time capped. During the interim, the City of La Center (City) and the Cowlitz Tribe (Tribe) brought forward certain sewer and wastewater issues they were facing. The City and the Tribe abut one another, and in 2015, the Tribe identified the need for sewer services, which the City agreed to provide. The City upgraded its sewer plant and extended lines costing nearly \$5 million, which were fully paid for by the Tribe. However, the City and the Tribe were prevented from using the new service because they were sued, based on a contention that the provision of urban governmental services beyond the urban growth area violated the Growth Management Act.

The Tribe subsequently had to build its own wastewater system using less desirable methods with environmental risks, which is already at capacity and limiting future development and economic growth around the casino and tribal lands. There has been great collaboration between the City and the Tribe. Aside from needing to turn on a valve, the constructed system is ready to go, and all that is needed is this limited change in law.

Fundamentally, this bill is about supporting tribal trust lands. Additionally, this bill is not an extension of the urban growth area. It is a narrowly tailored solution with a timeline for the cities and tribes that meet the bill's definitions. The Tribe's master planning always included partnering with the City wherever possible, including plans to connect city sewer lines and treatment plants, which this proposal would allow it to do.

(Opposed) None.

Persons Testifying: Representative Peter Abbarno, prime sponsor; Tom Strobehn, City of La Center; Bill Iyall, Chairman, Cowlitz Indian Tribe; and Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.