
SENATE CONCURRENT RESOLUTION 8426

State of Washington 54th Legislature 1996 Regular Session

By Senators Wojahn, Winsley, Rasmussen, Franklin, Oke and Goings

Read first time 01/09/96. Referred to Committee on Health & Long-Term Care.

1 WHEREAS, By act of Congress in April, 1874, there was donated to
2 the Territory of Washington certain land in the Fort Steilacoom
3 Military Reservation for use as an asylum for the insane; and
4 WHEREAS, These lands have become known as the "Granted Lands"; and
5 WHEREAS, The portion of the Granted Lands south of Steilacoom
6 Boulevard are now being used as a park, under lease to Pierce County;
7 and
8 WHEREAS, Article 16, Section 1 of the Washington State Constitution
9 imposes fiduciary responsibilities on the state to ensure that no sale
10 or other interest in "public lands granted to the state" can be
11 accomplished at less than full market value; and
12 WHEREAS, It is not clear that full market value is being realized
13 for the lease of the Granted Lands; and
14 WHEREAS, The Attorney General of Washington in Opinion 1992 No. 3
15 stated that the Granted Lands are not trust lands subject to the
16 constitutional provision; and
17 WHEREAS, By letter dated December 23, 1994, the Attorney General
18 declined to reconsider the Opinion 1992 No. 3; and
19 WHEREAS, Determination of the legal status of the Granted Lands is
20 essential to the enforcement of the fiduciary duty of the state to
21 obtain full value for the lands in order to provide proper support to

1 the state mental health program, including institutional and community
2 components; and

3 WHEREAS, RCW 43.10.045 permits the House of Representatives and the
4 Senate to retain their own counsel for a particular proceeding; and

5 WHEREAS, The legislature intends to bring an action for a
6 declaratory judgment regarding the trust land status of the Granted
7 Lands, utilizing counsel other than the Attorney General;

8 NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of
9 Washington, the House of Representative concurring, That the
10 legislature authorizes an action to determine the legal status of the
11 Granted Lands; and

12 BE IT FURTHER RESOLVED, That the Senate and the House of
13 Representatives shall notify the Attorney General of their intent to
14 retain independent counsel for this purpose; and

15 BE IT FURTHER RESOLVED, That the Senate Facilities and Operations
16 Committee and the House Executive Rules Committee are authorized to
17 accomplish the purposes of this resolution on behalf of the
18 legislature.

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