

SENATE BILL REPORT

EHB 1409

As of March 17, 2011

Title: An act relating to the sale, exchange, transfer, or lease of public property.

Brief Description: Authorizing the sale, exchange, transfer, or lease of public property.

Sponsors: Representatives Appleton, Hurst and McCoy.

Brief History: Passed House: 3/05/11, 63-34.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/17/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Karen Epps (786-7424)

Background: The state, any municipality, or political subdivision of the state, may sell, transfer, exchange, lease, or dispose of real or personal property to the state, a political subdivision of the state, or the federal government. Additionally, the state, any municipality, or political subdivision of the state, may sell, transfer, exchange, lease, or dispose of personal property, except weapons, to a foreign entity.

The state or local government must hold a public hearing in the county where the property is located before disposing of surplus property with an estimated value greater than \$50,000. Notice must be published at least ten days, but not more than 25 days, before the hearing in a newspaper of general circulation in the area where the property is located. If the property is real property, the notice must also describe the proposed use of the lands involved. A news release must also be disseminated to the electronic media in the area where the property is located.

Summary of Bill: The state, any municipality, or political subdivision of the state, may sell, transfer, exchange, lease, or dispose of real or personal property or property rights to a federally recognized Indian tribe. The terms and conditions for any sale, transfer, exchange, lease, or disposal of real property from a public entity to a federally recognized Indian tribe must retain existing lease agreements, easements, and public access provisions in place at the time of the transaction.

Appropriation: None.

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.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill allows Tribes to interact with local, state, and federal governments and to exchange land that is beneficial to all parties. The House floor amendment is somewhat problematic. The provisions with respect to easements and leases do not add anything. Leases and easements generally run with the property being transferred. The language relating to easements and leases does not change anything. There is concern regarding the provision dealing with continued maintenance of existing provisions with respect to access. This provision is extremely problematic. First, the amendment places restrictions on transfers to Indian Tribes that are not applicable to transfers to other government entities. This provision does not apply to transfers to other entities. Indian Tribes are being singled out. Second, it is not clear what the phrase "public access provisions in place at the time of the transaction" is going to mean in all cases. Third, there is concern about the blanket nature of the provision. Maintenance of public access may be generally appropriate in dealing with roads and parks, but it is not always appropriate, for example if a Tribe were to acquire a surplus state hatchery or a building.

Persons Testifying: PRO: Rick Jensen, Richard Reich, Muckleshoot Indian Tribe; Dawn Vyvyan, Yakama Nation.