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**Community Development, Housing &  
Tribal Affairs Committee**

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**HB 1277**

**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 Summary of Bill**

- Authorizes federally recognized tribes to acquire a conservation easement.

**Hearing Date:** 1/30/13

**Staff:** Sean Flynn (786-7124).

**Background:**

The spread of urban development threatens to encroach upon or eliminate vast open spaces and areas. These open spaces and areas are often devoted to productive uses such as agriculture or timber cultivation, or have other recreational, social, or scenic value. Preserving such lands is recognized as an asset to urban development and beneficial to the welfare of citizens as a whole. The acquisition of property for preservation of open spaces and areas constitutes a public purpose for which public funds may be spent.

Certain government and non-profit entities may acquire, except by eminent domain, an interest in selected land designated as open space, farm or agricultural, 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. An entity may acquire such an interest for the purpose of conveying or leasing it back to the original owner or other person with similar restrictions on future use. "Conservation easement" is the general term often used to refer to such an interest, although the acquiring entity technically may acquire other kinds of interest in the land.

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At first, counties, cities, towns, and metropolitan municipal corporations could acquire so-called conservation easements. Over the years, non-profit nature conservancies (1975-76), non-profit historic preservation corporations (1987), and metropolitan park districts (1993) were added to the list. The ownership of a so-called conservation easement is classified as real property. State and federal agencies also may own 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. Tribes may apply for fee-owned lands to be taken into trust by the United States.

**Summary of Bill:**

Federally recognized tribes are included to the list of entities authorized to acquire a conservation easement. Federally recognized tribes are able to hold such a right or interest as real property.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.