

# SENATE BILL REPORT

## HB 1277

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As of April 1, 2013

**Title:** An act relating to tribes holding conservation easements.

**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 History:** Passed House: 2/20/13, 75-22.

**Committee Activity:** Natural Resources & Parks: 3/28/13.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Staff:** Curt Gavigan (786-7437)

**Background:** Conservation Easements. Current law governing land transactions in the state allows certain entities to acquire a real property interest in land of less than fee simple, including an easement, in order to limit the future use of the property or dedicate the property for open space purposes. These entities include the following:

- state and federal agencies;
- local governments including counties, cities, and towns; and
- nonprofit nature conservancy and historic preservation organizations.

Conservation Futures Program. Since 1971, statute statutory authority has provided a method by which certain entities may acquire selected open space land, farm and agricultural land, and timberland for public use or enjoyment. These entities may acquire full or partial real property interests, including an easement, in lands by specified means other than eminent domain. The term conservation futures describes the purchase of perpetual future development rights for such lands under this mechanism. Counties may levy a property tax of up to \$.00625 per \$1,000 of assessed value for the purpose of acquiring conservation futures and other related rights and interests in real property.

Entities eligible to acquire land under conservation futures authorities include the following:

- local governments including counties, cities, and park districts; and
- nonprofit nature conservancy and historic preservation organizations.

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*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.*

**Summary of Bill:** Federally recognized Indian tribes are included in the list of entities eligible to acquire the following:

- a real property interest in land of less than fee simple, including an easement, in order to limit the future use of the property or dedicate the property for open space purposes; and
- a full or partial real property interest, including an easement, in lands by specified means other than eminent domain under the conservation futures program.

**Appropriation:** None.

**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 appropriately extends authority to federally recognized Indian tribes to acquire lands for conservation purposes. The option to hold a conservation easement is currently a tool for local and federal governments as well as various conservation organizations. This conservation tool should also extend to tribal governments as they are leaders in environmental protection.

**Persons Testifying:** PRO: Representative Sawyer, prime sponsor; Davor Gjurasic, Swinomish Tribal Indian Community, Nisqually Indian Tribes.