CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1934**

Chapter 184, Laws of 2022

67th Legislature

2022 Regular Session

DEPARTMENT OF TRANSPORTATION EXCHANGE AGREEMENTS—TRIBAL GOVERNMENT PARTICIPATION

EFFECTIVE DATE: June 9, 2022

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| Passed by the House February 9, 2022Yeas 90 Nays 6LAURIE JINKINS**Speaker of the House of Representatives**Passed by the Senate March 2, 2022Yeas 48 Nays 0DENNY HECK**President of the Senate** | CERTIFICATEI, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1934** as passed by the House of Representatives and the Senate on the dates hereon set forth.BERNARD DEANChief Clerk |
| Approved March 25, 2022 4:36 PM | March 28, 2022 |
| JAY INSLEE**Governor of the State of Washington** | **Secretary of State** **State of Washington** |

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**HOUSE BILL 1934**

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Passed Legislature - 2022 Regular Session

**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Fey, Robertson, and Taylor; by request of Department of Transportation

AN ACT Relating to the participation of tribal governments in exchange agreements; and amending RCW 47.12.370.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 47.12.370 and 2021 c 333 s 707 are each amended to read as follows:

(1) The department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

(2)((~~(a) Except as provided in (b) of this subsection, tribal governments shall only be eligible to participate in an exchange agreement if they:~~

~~(i) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and~~

~~(ii) Agree that the property shall not be placed into trust status.~~

~~(b) During the 2021-2023 fiscal biennium, the restrictions in (a) of this subsection do not apply to any exchange agreement with a tribal government for the acquisition of real property required by the department for the SR 167/SR 509 Puget Sound Gateway project.~~

~~(3)~~)) The conveyances must be by quitclaim deed, or other form of conveyance, executed by the secretary of transportation, and must expressly restrict the use of the property to a mitigation site consistent with preservation of the functions and values of the site, and must provide for the automatic reversion to the department if the property is not used as a mitigation site or is not maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site.

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Passed by the House February 9, 2022.

Passed by the Senate March 2, 2022.

Approved by the Governor March 25, 2022.

Filed in Office of Secretary of State March 28, 2022.