

SENATE BILL REPORT

EHB 2372

As of February 19, 2024

Title: An act relating to transferring public property to Washington state federally recognized tribes for facilities to provide alcohol and substance use disorder prevention, treatment, and aftercare programs and services, and for behavioral health and related programs and services.

Brief Description: Transferring public property to Washington state federally recognized tribes for facilities to provide alcohol and substance use disorder prevention, treatment, and aftercare programs and services, and for behavioral health and related programs and services.

Sponsors: Representatives Lekanoff, Stearns, Leavitt, Davis, Nance, Reed, Chopp, Ormsby and Pollet.

Brief History: Passed House: 2/8/24, 82-15.

Committee Activity: Ways & Means: 2/20/24.

Brief Summary of Bill

- Authorizes state and local governments to transfer property to tribes for facilities to provide health care services related to alcohol and substance use disorders and behavioral health conditions.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Shani Bauer (786-7468)

Background: The Department of Enterprise Services (DES) has a process to notify state and federal agencies, local governments, and tribes regarding the availability of surplus real property. If none of the respective government entities respond, DES may sell or exchange the property.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Intergovernmental transfers of property are authorized for general purposes as well as for specific purposes including mass transit, parks and recreational purposes, and school districts and libraries.

Any state agency or local government with authority to dispose of surplus public property may transfer, lease, or otherwise dispose of surplus property for affordable housing. Any such transfer, lease, or other disposal may be made to a public, private, or nongovernmental body on any mutually agreeable terms and conditions, including a no-cost transfer. A deed, lease, or other instrument transferring or conveying surplus property must include a requirement that the property will be used for affordable housing and must include remedies if the property is not used for the designated purpose.

Washington tribes provide a variety of health care services including those related to alcohol and substance use disorders and behavioral health conditions. All but a few tribes provide health care services through tribal clinics. These clinics could be tribal operated clinics, tribal clinics utilizing the federal Indian Health Services program, or Urban Indian Health Programs.

Summary of Bill: State and local governments are authorized to give real property to a Washington State federally recognized tribe, or consortium of federally recognized tribes, for the purpose of providing facilities for health care services to help patients address alcohol and substance use disorders and behavioral health conditions.

Any transfer of property must be done on terms that are mutually agreed to by the state or local government and the tribe or tribes. The terms must include a requirement that the property reverts to the state or local government if the property ceases to be used to provide the health care services within 50 years from the date of the property transfer. Where new construction or major renovations are necessary, the tribe or tribes must have the facility constructed or renovated and operational within six years of the property transfer and must have the capacity to continue to add onto the facility or property with services that address prevention, withdrawal management, inpatient and outpatient health services, wellness programs, and aftercare services.

Necessary state and local permits should be expedited for these projects to the extent feasible. The state and local governments and tribes are encouraged to cooperate regarding identifying public property that might be used by tribes to provide alcohol and substance use disorder services, behavioral health services, and related services.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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