CERTIFICATION OF ENROLLMENT

**SENATE BILL 5159**

Chapter 184, Laws of 2021

(partial veto)

67th Legislature

2021 Regular Session

DEPARTMENT OF FISH AND WILDLIFE—PAYMENTS IN LIEU OF PROPERTY TAXES

EFFECTIVE DATE: July 25, 2021

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| Passed by the Senate March 8, 2021  Yeas 47 Nays 2  DENNY HECK  **President of the Senate**  Passed by the House April 10, 2021  Yeas 97 Nays 0  LAURIE JINKINS  **Speaker of the House of Representatives** | CERTIFICATE  I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5159** as passed by the Senate and the House of Representatives on the dates hereon set forth.  BRAD HENDRICKSON  Secretary |
| Approved May 3, 2021 2:38 PM with the exception of section 2, which is vetoed. | May 3, 2021 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 5159**

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Passed Legislature - 2021 Regular Session

**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Warnick, Van De Wege, and Short

AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife; amending RCW 77.12.203; providing an effective date; and declaring an emergency.

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

**Sec.**  RCW 77.12.203 and 2019 c 415 s 983 are each amended to read as follows:

(1) ((~~Except as provided in subsections (5), (6), and (7) of this section and notwithstanding~~)) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the ((~~director must pay~~)) state treasurer, on behalf of the department, must distribute to counties by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

((~~(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:~~

|  |
| --- |
| **~~County~~** |
| ~~Adams~~ ~~1,909~~ |
| ~~Asotin~~ ~~36,123~~ |
| ~~Chelan~~ ~~24,757~~ |
| ~~Columbia~~ ~~7,795~~ |
| ~~Ferry~~ ~~6,781~~ |
| ~~Garfield~~ ~~4,840~~ |
| ~~Grant~~ ~~37,443~~ |
| ~~Kittitas~~ ~~143,974~~ |
| ~~Klickitat~~ ~~21,906~~ |
| ~~Lincoln~~ ~~13,535~~ |
| ~~Okanogan~~ ~~151,402~~ |
| ~~Pend Oreille~~ ~~3,309~~ |
| ~~Yakima~~ ~~126,225~~ |

~~These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.~~

~~(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:~~

|  |
| --- |
| **~~County~~** |
| ~~Adams~~  ~~1,909~~ |
| ~~Asotin~~  ~~36,123~~ |
| ~~Chelan~~ ~~39,858~~ |
| ~~Columbia~~ ~~20,713~~ |
| ~~Ferry~~ ~~22,798~~ |
| ~~Garfield~~ ~~12,744~~ |
| ~~Grant~~ ~~71,930~~ |
| ~~Kittitas~~ ~~382,638~~ |
| ~~Klickitat~~ ~~51,019~~ |
| ~~Lincoln~~  ~~13,535~~ |
| ~~Okanogan~~ ~~264,036~~ |
| ~~Pend Oreille~~ ~~5,546~~ |
| ~~Yakima~~ ~~186,056~~ |

~~These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.~~

~~(7) During the 2019-21 [2021 fiscal] biennium, the state treasurer must distribute the payments required under this section on behalf of the director.~~))

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021.

**--- END ---**

Passed by the Senate March 8, 2021.

Passed by the House April 10, 2021.

Approved by the Governor May 3, 2021, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 3, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, Senate Bill No. 5159 entitled:

"AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife."

This bill improves the method the state uses to pay counties for payments in lieu of taxes for lands owned by the Department of Fish and Wildlife. Counties distribute these payments to local taxing districts in the same manner they distribute property taxes supporting things like schools, emergency services, and noxious weed control. Section 2 sets an emergency effective date for the bill of July 1, 2021. The emergency effective date is unnecessary as payments to counties are due in April each year, not in July. The next payment to counties will be made in April 2022 and an emergency effective date is not needed to issue those payments. For this reason, I am vetoing section 2 of SB 5159.

For these reasons I have vetoed Section 2 of Senate Bill No. 5159.

With the exception of Section 2, Senate Bill No. 5159 is approved."