

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

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**

Approved May 3, 2021 2:38 PM with the
exception of section 2, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

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

FILED

May 3, 2021

**Secretary of State
State of Washington**

SENATE BILL 5159

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senators Warnick, Van De Wege, and Short

Read first time 01/12/21. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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

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

5 **Sec. 1.** RCW 77.12.203 and 2019 c 415 s 983 are each amended to
6 read as follows:

7 (1) (~~Except as provided in subsections (5), (6), and (7) of this~~
8 ~~section and notwithstanding~~) Notwithstanding RCW 84.36.010 or other
9 statutes to the contrary, the (~~director must pay~~) state treasurer,
10 on behalf of the department, must distribute to counties by April
11 30th of each year on game lands, regardless of acreage, in each
12 county, if requested by an election under RCW 77.12.201, an amount in
13 lieu of real property taxes equal to that amount paid on similar
14 parcels of open space land taxable under chapter 84.34 RCW or the
15 greater of seventy cents per acre per year or the amount paid in 1984
16 plus an additional amount for control of noxious weeds equal to that
17 which would be paid if such lands were privately owned. This amount
18 may not be assessed or paid on department buildings, structures,
19 facilities, game farms, fish hatcheries, water access sites,
20 tidelands, or public fishing areas.

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

7 (3) This section does not apply to lands transferred after April
8 23, 1990, to the department from other state agencies.

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

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

19 **County**

20	Adams.....	1,909
21	Asotin.....	36,123
22	Chelan.....	24,757
23	Columbia.....	7,795
24	Ferry.....	6,781
25	Garfield.....	4,840
26	Grant.....	37,443
27	Kittitas.....	143,974
28	Klickitat.....	21,906
29	Lincoln.....	13,535
30	Okanogan.....	151,402
31	Pend Oreille.....	3,309
32	Yakima.....	126,225

33 ~~These amounts may not be assessed or paid on department buildings,~~
34 ~~structures, facilities, game farms, fish hatcheries, water access~~
35 ~~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. 2. 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.***

****Sec. 2 was vetoed. See message at end of chapter.***

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."

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