
**Agriculture & Natural Resources
Committee**

HB 1095

Brief Description: Regarding payments in lieu of taxes for lands managed by the department of fish and wildlife.

Sponsors: Representatives Taylor, Kretz, Short and McCune.

Brief Summary of Bill

- Removes a provision prohibiting a county to collect a monetary payment in lieu of property taxes for land managed by the Department of Fish and Wildlife that came into agency ownership after 1990 by way of a transfer from a different state agency.
- Allows a county to excuse the Department of Fish and Wildlife from making payments in lieu of taxes for any lands subject to an active, utilized private grazing lease.

Hearing Date: 1/26/11

Staff: Jason Callahan (786-7117).

Background:

Land owned by the state government is generally not subject to county property taxes. However, a county's legislative authority may elect to notify the director of the Washington Department of Fish and Wildlife (WDFW) and collect a monetary payment from the WDFW in lieu of property taxes for all land owned by the WDFW that is used for wildlife habitat and public recreation [RCW 77.12.201]. If a county elects to collect a payment in lieu of taxes, that amount must be set at the greater of the amount of property taxes that would be paid by a private landowner for a similar parcel considered to be open space, 70 cents per acre, or the amount paid in 1984 plus an additional charge for noxious weed control [RCW 77.12.203]. Once collected, the money must be distributed throughout county government in the same manner that property tax revenues are distributed.

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.

In most cases, the county has the discretion as to whether or not to request payments in lieu of taxes from the WDFW. However, the county does not have that option if the WDFW came into possession of the land after 1990 by way of transfer from another state agency [RCW 77.12.203]. In these instances, the county may not request payments in lieu of taxes from the WDFW.

Summary of Bill:

The provision prohibiting a county to collect a monetary payment in lieu of property taxes for land managed by the WDFW that came into ownership by the WDFW after 1990 by way of a transfer from a different state agency is removed. As a result, a county may request a payment in lieu of taxes for all land owned by the WDFW regardless of how or when the WDFW obtained ownership. The change is to be interpreted prospectively and back payments for land transferred from another state agency after 1990 is not expected.

In addition, if a county legislative authority finds that promoting cattle grazing on public lands would be beneficial for the economic development of the county, the county may excuse the WDFW from making payments in lieu of taxes for any lands subject to an active, utilized private grazing lease. While excusing these lands from payments in lieu of taxes, the county may still request payments from all other lands in the county managed by the WDFW.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.