
HOUSE BILL 2379

State of Washington

54th Legislature

1996 Regular Session

By Representatives Chandler, B. Thomas, Quall, Hickel, Schoesler, Mastin, Basich, Dyer, Dickerson, Conway, Sheldon, Hymes, Mulliken and Linville

Read first time 01/10/96. Referred to Committee on Finance.

1 AN ACT Relating to creating a property tax credit as an incentive
2 for the improvement and restoration of streams, rivers, and riparian
3 areas; adding a new section to chapter 89.08 RCW; adding a new chapter
4 to Title 84 RCW; providing an effective date; and providing expiration
5 dates.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Cooperative partnerships formed by governmental agencies and
9 private landowners can provide needed improvement to and restoration of
10 streams, rivers, and riparian areas;

11 (b) Improving and restoring the habitat of streams, rivers, and
12 riparian areas will:

13 (i) Benefit the aquatic and wildlife species in the state;

14 (ii) Improve water quality for all water resource users;

15 (iii) Reduce damage to property that often accompanies flooding;

16 and

17 (iv) Potentially improve the availability of water for all users;

18 and

1 (c) Some salmonid stocks within the state of Washington have
2 declined at an accelerated rate during the past few years and improving
3 and restoring the habitat of streams, rivers, and riparian areas upon
4 which spawning salmonid stocks depend for survival will help to reverse
5 this decline.

6 (2) The legislature intends that a program be created to improve
7 and restore the habitat of aquatic and wildlife species of streams,
8 rivers, and riparian areas located on privately owned land and that
9 owners of land abutting streams and rivers be allowed a credit against
10 the state portion of property taxes levied on such land for
11 expenditures made to improve, restore, rebuild, or rehabilitate the
12 habitat of streams, rivers, and riparian areas.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Conservation commission" means the conservation commission
16 created under chapter 89.08 RCW.

17 (2) "Conservation district" means a conservation district created
18 under chapter 89.08 RCW.

19 (3) "Improvement or restoration" and "improve or restore" mean
20 expenditures made to improve, restore, rebuild, or rehabilitate the
21 water quality and quantity, wildlife habitat, and aquatic habitat of
22 streams, rivers, or riparian areas in the state.

23 (4) "Owner" means the party or parties having the fee interest in
24 land, except that where land is subject to real estate contract,
25 "owner" means the contract vendee.

26 (5) "Riparian" means areas next to streams or rivers that are
27 capable of supporting plant and animal species that require more
28 moisture than the plant and animal communities growing on adjacent
29 uplands. Riparian areas are adjacent to streams and rivers where
30 specific measures are needed to protect aquatic and wildlife habitat
31 needs and watershed.

32 (6) "Salmonid" means a fish of the family salmonidae. Fish in this
33 family include salmon, steelhead, trout, char, whitefish, and grayling.

34 (7) "Watershed" means a geographic region within which water drains
35 into a particular river, stream, or body of water identified and
36 numbered as state of Washington water resource inventory areas under
37 RCW 43.27A.130 and defined by WAC 173-500-040 as existing on the
38 effective date of this act.

1 NEW SECTION. **Sec. 3.** (1) An owner of land shall be allowed a
2 credit against the state portion of property taxes levied on land
3 abutting a stream, river, or riparian area if the land falls within one
4 of the categories set forth in section 4 of this act and the following
5 conditions have been met:

6 (a) A conservation district has determined that certain
7 improvements or restorations are necessary to improve or restore the
8 habitat of the stream, river, or riparian area;

9 (b) A conservation district has prepared a management plan
10 detailing the required improvements or restorations;

11 (c) The improvements or restorations to the habitat of the stream,
12 river, or riparian area detailed in the management plan would be
13 required to be made by a governmental agency, as resources are
14 available, if the owner does not make the required improvements or
15 restorations;

16 (d) The owner has completed the required improvements or
17 restorations in accordance with the management plan and has provided a
18 conservation district with all receipts for work and materials
19 associated with the improvements or restorations;

20 (e) A conservation district has inspected the improvements or
21 restorations and has determined that the improvements or restorations
22 required by the management plan have been satisfactorily completed; and

23 (f) A conservation district has provided the owner with a credit
24 voucher certifying that the owner has completed improvements or
25 restorations to the portion of his or her land abutting a stream,
26 river, or riparian area and certifying the total amount of money spent
27 by the owner in this effort.

28 (2) To receive this credit the owner must submit the credit voucher
29 received from a conservation district for improvements or restorations
30 to the treasurer of the county in which the improved or restored
31 stream, river, or riparian area is located. The treasurer shall treat
32 this credit voucher in the same manner as a monetary payment of
33 property taxes.

34 NEW SECTION. **Sec. 4.** An owner of land that falls within one of
35 the following categories may qualify for the property tax credit set
36 forth in section 3 of this act for improvements or restorations to the
37 habitat of streams, rivers, or riparian areas:

1 (1) Land bordering streams that are critical to the recovery of
2 anadromous fishery stocks listed as "critical" or "depressed" in the
3 1992 Washington State Salmon and Steelhead Stock Inventory published by
4 the department of fisheries, the department of wildlife, and the
5 Western Washington Treaty of Indian Tribes in March 1993;

6 (2) Land within a watershed that is listed as a priority in the
7 Preliminary Priority Watersheds for Restoration and Conservation of
8 Fish and Wildlife published by the department of fish and wildlife and
9 the department of natural resources in February 1995;

10 (3) Land bordering streams, rivers, and riparian areas that do not
11 meet water quality standards according to the May 1994 Section 303(d)
12 list published by the department of ecology;

13 (4) Land within watersheds that have an approved watershed plan
14 developed in accordance with chapter 90.70 RCW;

15 (5) Land abutting streams, rivers, or riparian areas impacting
16 threatened and endangered species as listed in the federal Endangered
17 Species Act, 16 U.S.C. Sec. 1531 et seq., as existing on the effective
18 date of this act; or

19 (6) Land included within watershed restoration projects that have
20 been approved in accordance with RCW 89.08.450 through 89.08.510.

21 NEW SECTION. **Sec. 5.** In order to qualify for the property tax
22 credit set forth in section 3 of this act, a management plan must be
23 developed. Conservation districts in conjunction with owners of land
24 abutting streams, rivers, or riparian areas shall develop a management
25 plan to improve or restore the stream, river, or riparian areas at
26 issue using:

27 (1) Practices listed in the United States department of
28 agriculture/natural resources conservation service's field office
29 technical guide, as existing on the effective date of this act, for the
30 protection or improvement of riparian areas;

31 (2) Practices listed in the December 1994 Conservation Commission
32 report on HB 1309 Ecosystems Standards for State-Owned Agricultural and
33 Grazing Land; or

34 (3) Practices listed in the 1995 Fish and Wildlife Priority Habitat
35 Management Recommendations: RIPARIAN.

36 NEW SECTION. **Sec. 6.** (1) A credit allowed under this chapter
37 shall be used as a credit against the state portion of property taxes

1 imposed on the improved or restored parcel of land. Credits shall not
2 be used to reduce the nonstate portion of property taxes.

3 (2) Credits shall not exceed the amount of the state portion of
4 property taxes levied on a parcel of land nor exceed the amount of
5 money the owner spent to improve or restore stream, river, or riparian
6 areas.

7 (3) A credit shall be allowed against taxes levied for collection
8 in the year immediately following the year in which completion of and
9 payment for improvements or restorations occurs. Credits may not be
10 carried forward to subsequent tax years.

11 NEW SECTION. **Sec. 7.** (1) The total amount of credits to be
12 allowed under this chapter shall not exceed six million dollars for the
13 biennium ending June 30, 1997, twelve million dollars for the fiscal
14 year ending June 30, 1998, and twelve million dollars for the fiscal
15 year ending June 30, 1999.

16 (2) The conservation commission shall keep a running total of the
17 dollar amount of credits approved under this chapter. The commission
18 shall immediately notify all conservation districts when the annual
19 maximum dollar amount of credit has been reached. A conservation
20 district shall not issue any credit voucher that would cause an annual
21 limit to be exceeded.

22 NEW SECTION. **Sec. 8.** Any portion of the state levy reduced as a
23 result of this chapter shall be made whole from other state revenues.
24 This chapter shall not result in the reduction in any manner of the
25 amount of the state school levy for support of the common schools.

26 NEW SECTION. **Sec. 9.** This chapter shall expire June 30, 1999.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 89.08 RCW
28 to read as follows:

29 (1) Conservation districts shall monitor and provide monthly
30 reports to the conservation commission on the number of owners who
31 submit applications and who are approved to participate in the
32 improvement or restoration program set forth in section 3 of this act.

33 (2) The conservation commission shall provide grants to
34 conservation districts to reimburse them for the technical assistance

1 costs incurred in developing the management plans required by section
2 3 of this act.

3 (3) The conservation commission in conjunction with the department
4 of fish and wildlife shall submit a report to the office of the
5 governor summarizing the progress of the program set forth in chapter
6 84.-- RCW (sections 1 through 9 of this act) by October 1, 1997.

7 (4) The conservation commission in cooperation with the Washington
8 department of fish and wildlife shall prepare and submit a report by
9 October 1, 1998, to the environmental committees of the legislature and
10 to the office of the governor summarizing the progress of the program
11 set forth in chapter 84.-- RCW (sections 1 through 9 of this act) to
12 date.

13 (5) This section shall expire June 30, 1999.

14 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act constitute
15 a new chapter in Title 84 RCW.

16 NEW SECTION. **Sec. 12.** This act shall take effect July 1, 1996.

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