

SENATE BILL REPORT

SB 5543

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 21, 2019

Title: An act relating to retaining productive farmland.

Brief Description: Retaining productive farmland.

Sponsors: Senator Takko.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/19/19, 2/21/19
[DPS, w/oRec].

Brief Summary of First Substitute Bill

- Requires the State Conservation Commission to develop an agricultural land assessment form and process.
- Requires state agencies, boards, commissions, and state universities, colleges, and community colleges to complete an agricultural land assessment form before acquiring real property, with the exception of water rights or right-of-ways used for physical construction purposes.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy and Rolfes.

Minority Report: That it be referred without recommendation.

Signed by Senators Honeyford and Short.

Staff: Karen Epps (786-7424)

Background: The State Conservation Commission (Conservation Commission) was created by the Legislature in 1939 to support conservation districts through financial and technical

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.

assistance, administrative and operational oversight, program coordination, and promotion of district activities and services. Specifically, the Conservation Commission has several duties, including to:

- assist the supervisors of districts;
- keep the supervisors of each district informed of the activities and experiences of other districts, and facilitate an exchange of advice and experience between districts;
- review and advise on agreements by districts;
- secure cooperation with and assistance from federal, state, and local agencies in the work of districts;
- administer and distribute allocated funds;
- partner with local governments to facilitate activities dealing with the conservation of renewable natural resources;
- disseminate information throughout Washington about the activities and programs of districts;
- review and comment on state and local plans, programs, and activities affecting conservation of renewable natural resources;
- compile information and make studies, summaries, and analyses of district programs and resource conservation programs statewide;
- assist districts in obtaining legal services from state and local legal officers;
- require annual reports from districts; and
- establish uniform accounting and auditing procedures.

The Conservation Commission consists of a ten-member governing board, five of whom are ex-officio members. Three elected members serve three-year terms. One of these members is elected each year by the district supervisors at their annual statewide meeting. One of the members must reside in eastern Washington, one in central Washington, and one in western Washington. At least two of the three elected members must be landowners or operators of a farm. Three members are appointed to represent state agencies and two members are appointed by the Governor. One member represents the executive director of the Washington Association of Conservation Districts and one member represents the dean of the College of Agriculture at Washington State University.

Summary of Bill (First Substitute): The Conservation Commission must develop a form and process, called an agricultural land assessment, to be completed by any state agency before acquiring an interest in agricultural land within existing resources. This applies to every acquisition of a property interest other than water rights and the acquisition of rights-of-way by the Washington State Department of Transportation for the construction, operation, maintenance, or environmental mitigation of a transportation project. The Conservation Commission may exempt smaller-scale acquisitions and activities from the requirement. The conservation commission must consult with state agencies when developing the agricultural land assessment form and process.

Each year, the Conservation Commission must report to the Governor and the Legislature on the status of the agricultural land assessment program, the results of the information submitted over the previous year, and other appropriate factors. As part of the first report, the Conservation Commission must include:

- information about the applicability of agricultural land assessment requirements to agency rulemaking;

- information about the applicability to acquisition and land use activities by federal and local governments;
- whether the agricultural land assessment should extend to water right purchases; and
- whether existing processes adequately provide for an evaluation of agricultural impacts.

After consultation with local governments, the Conservation Commission must make recommendations on how the agricultural land assessment could be used to track conversions of agricultural land through private transactions. An agricultural land assessment may not be used as a basis for appeal of an agency action or to otherwise delay or stop the proposed activity described in the assessment.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):

- Provides that the requirement to complete an agricultural land assessment form does not apply to the acquisition of rights-of-way by the Department of Transportation for the construction, operation, maintenance, or environmental mitigation of a transportation project.
- Requires that the Conservation Commission must accomplish the agricultural land assessment form and process within existing resources

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.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a pretty simple bill that came out of discussions at the Food Policy Work Group. Farmland is being converted to other uses. This bill is not regulatory, but will provide the Legislature with information when land is converted or used for a different use by an agency. The plan is that this will be a one pager that state agencies will submit to the Conservation Commission.

OTHER: This bill is one of the recommendations from the Food Policy Forum and the Farmland Preservation Task Force. The recommendation is to develop a process to assess how much agricultural land has been acquired by state agencies. The Commission's Office of Farmland Preservation is well suited to work with state agencies to track the amount of agricultural land that is acquired annually.

Persons Testifying: PRO: Senator Dean Takko, Prime Sponsor.

OTHER: Alison Halpern, Washington State Conservation Commission.

Persons Signed In To Testify But Not Testifying: No one.