

HOUSE BILL REPORT

2SHB 1733

As Passed House:
February 19, 2020

Title: An act relating to retaining productive farmland.

Brief Description: Retaining productive farmland.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Gregerson, Dye, Dent, Blake and Tarleton).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 2/12/19, 2/22/19 [DPS];
Appropriations: 1/22/20, 1/27/20 [DP2S].

Floor Activity:

Passed House: 2/19/20, 59-39.

Brief Summary of Second Substitute Bill

- Requires the State Conservation Commission to develop an Agricultural Land Assessment (ALA) process.
- Requires state agencies and units of state government to complete an ALA process before acquiring an interest in real property.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman, Fitzgibbon, Kretz, Lekanoff, Pettigrew, Ramos and Springer.

Minority Report: Do not pass. Signed by 3 members: Representatives Dye, Schmick and Walsh.

Minority Report: Without recommendation. Signed by 1 member: Representative Orcutt.

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.

Staff: Rebecca Lewis (786-7339).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 24 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chandler, Chopp, Cody, Corry, Dolan, Fitzgibbon, Hansen, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Senn, Steele, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 7 members: Representatives Stokesbary, Ranking Minority Member; Caldier, Dye, Hoff, Schmick, Sutherland and Ybarra.

Staff: Dan Jones (786-7118).

Background:

Membership of the State Conservation Commission.

The State Conservation Commission (Conservation Commission) has 10 members: two appointed; three elected; and five ex-officio. Two members are appointed by the Governor, one of which must be a landowner or operator of a farm. The two appointed members serve four-year terms. The 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.

The ex-officio members of the Conservation Commission are: the Director of the Department of Ecology, the Director of the Department of Agriculture, the Commissioner of Public Lands, the President of the Washington Association of Conservation Districts, and the Dean of the College of Agriculture at Washington State University.

Duties of the Conservation Commission.

The Conservation Commission has several duties, including:

1. assist the supervisors of districts;
2. keep the supervisors of each district informed of the activities and experiences of other districts, and facilitate an interchange of advice and experience between districts;
3. review and advise on agreements by districts;
4. secure cooperation with and assistance from federal, state, and local agencies in the work of districts;
5. administer and distribute allocated funds;
6. partner with local governments to facilitate activities dealing with the conservation of renewable natural resources;
7. disseminate information throughout Washington about the activities and programs of districts;

8. review and comment on state and local plans, programs, and activities;
9. compile information and make studies, summaries, and analyses of district programs;
10. assist districts in obtaining legal services from state and local legal officers;
11. require annual reports from districts; and
12. establish uniform accounting and auditing procedures.

Summary of Second Substitute Bill:

The State Conservation Commission (Conservation Commission) must develop a form and a process, called an Agricultural Land Assessment (ALA), for completion by any state agency before acquiring an interest in certain types of agricultural land. This applies to every property interest acquired by the Washington State Department of Transportation, other than water rights and the acquisition of rights-of-way, for the construction, operation, maintenance, or mitigation of a transportation or related facility that is in compliance with statutory direction to meet national environmental mitigation requirements and to avoid net loss of agricultural lands of long-term significance. The Conservation Commission may exempt smaller-scale acquisitions and activities from the requirement. The ALA must be developed by the Conservation Commission in consultation with the affected agencies.

Each year, the Conservation Commission must report to the Governor and the Legislature on the status of the ALA 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 ALA requirements to agency rulemaking and with regard to federal and local government; whether the ALA should extend to water right purchases; and whether existing processes adequately provide for an evaluation of agricultural impacts.

"Agricultural land" is land that is used for agricultural production, zoned as agricultural land of long-term significance, or otherwise zoned as agricultural land by a local jurisdiction.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Rural Development, Agriculture, & Natural Resources):

(In support) This simple bill helps the state of Washington study the conversion of land away from agricultural use, and is one product of the work of the Food Policy Forum. It is up to the Legislature to uphold a decade-old executive order addressing agriculture and food policy. There has been a lot of stakeholder work on this issue. The hunger relief system is dependent on partnerships with farms. Many hunger relief organizations, such as food banks, receive food donations from local small farms. Preserving agriculture is important for food security. It is encouraging to see efforts by the state to preserve land so that it is available for small farmers. A similar concept was proposed about 10 years ago to analyze the amount of

prime farmland being taken out of production for other uses. The state should be tracking agricultural land that is lost. Some federal money came to the state to fund habitat protection. Much of the land purchased with that money was farmland, and after its purchase was no longer used for agriculture. This bill ties into the Governor's goal of bringing more agricultural land into production.

(Opposed) None.

(Other) The State Conservation Commission (Conservation Commission) is neutral on this bill because it is not funded in the Governor's budget. However, Agricultural Land Assessments could collect valuable data. Any time data can be collected to help address impacts to the agricultural industry, it is a good thing. The Conservation Commission looks forward to working with the agricultural community and its partner agencies to come up with a form that asks the right questions.

It is important to have accurate information regarding state-owned property. Stakeholders are still reviewing the details of this bill, and would like to see information collected on the transition of state-owned land that is used for agricultural purposes, such as Department of Natural Resources agricultural leases, to other uses. This bill appears to be a procedural step without the ability to stop a project affecting agriculture land from moving forward.

Staff Summary of Public Testimony (Appropriations):

(In support) Agriculture is important to Washington, and there should be some kind of assessment when land is being taken out of production. State agencies have purchased agricultural land in the past for habitat and other uses, but have not been measuring the impacts to agriculture that may result.

(Opposed) None.

Persons Testifying (Rural Development, Agriculture, & Natural Resources): (In support) Representative Gregerson, prime sponsor; Aaron Czyzewski, Food Lifeline; and Tom Davis, Washington Farm Bureau.

(Other) Kirk Robinson, State Conservation Commission; and Diana Carlen, Washington Association of Wheat Growers.

Persons Testifying (Appropriations): Tom Davis, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying (Rural Development, Agriculture, & Natural Resources): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.