

HOUSE BILL REPORT

SSB 5934

As Passed House - Amended:

March 1, 2024

Title: An act relating to pollinator habitat.

Brief Description: Concerning pollinator habitat.

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Padden, Van De Wege, Dhingra, Lias, Salomon and Warnick).

Brief History:

Committee Activity:

Local Government: 2/20/24, 2/21/24 [DPA].

Floor Activity:

Passed House: 3/1/24, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Allows cities and counties to encourage permit applicants to include pollinator friendly plants in landscaped areas.
- Prohibits cities, counties, and homeowners' associations from banning beehives and pollinator habitats.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Elizabeth Allison (786-7129).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Washington State Department of Agriculture Pollinator Health Program.

The Washington State Department of Agriculture (WSDA) promotes and protects pollinator habitat and the health and sustainability of pollinator species by providing technical and financial assistance to state agencies, local governments, and private landowners to implement practices promoting habitat for managed pollinators, as well as beekeeper and grower best management practices.

Pollinator Habitat.

The WSDA operates a program to protect pollinator habitat and the health and sustainability of pollinator species. The program must provide technical and financial assistance to state agencies, local governments, and private landowners to implement practices that promote pollinator habitat and beekeeper and grower best management practices.

The Department of Fish and Wildlife (WDFW) must implement practices necessary to maintain pollinator habitat on department-owned and managed agricultural and grazing lands, where practicable. The WDFW must also evaluate various restoration techniques with the goal of improving habitat for native pollinators and update its riparian habitat recommendations to encourage development of pollinator habitat.

The WSDA, in consultation with the State Conservation Commission and WDFW, must develop a list of native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees.

Public works projects that include landscaping must designate 25 percent of the landscaping area to be pollinator habitat, if practicable.

Project and Commercial Building Permits.

A project permit is a land use or environmental permit, or license required from a local government for a project action, including subdivisions, conditional uses, and planned unit developments.

A commercial building permit is a building permit issued by a city or county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building not covered by a residential building permit.

Homeowners' Associations and Common Interest Communities.

A homeowners' association (HOA) is a legal entity with membership comprised of the owners of residential real property located within a development or other specified area. An HOA is typically created by a land developer or builder of a planned residential development pursuant to a declaration of covenants, conditions, and restrictions.

A common interest community is a form of real estate in which each unit owner or

homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in a common area or areas.

Summary of Amended Bill:

A city or county may encourage an applicant for a project permit or commercial building permit to include pollinator friendly plants in any landscaped area by:

- providing the list of native forage plants as developed by the WSDA;
- providing information regarding the benefits of pollinators and pollinator habitats; and
- offering incentives, including expedited processing or reduced application fees, for permit applicants that include pollinator habitats as part of the permit application.

Jurisdictions may set restrictions regarding beehives, but may not prohibit them.

A pollinator habitat is an area of land that is, or may be, developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators. Pollinator habitat areas do not include beehives, except for mason bee houses.

Homeowners' associations may not prohibit pollinator habitat, including beehives compliant with local regulations.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill deals with pollinators, which are crucial to agriculture. Pollinators contribute so much, including pollinating crops and production of nuts and vegetables. Seventy-five percent of the world's food depends on pollination. This bill was well received in the Senate. There has been a significant decline in pollinators and this bill will be able to provide more habitat for pollinators. Rural and urban landscapes are both losing pollinators at an alarming rate. Pollinator habitats are already a requirement in public works projects, and this bill will extend it to include private development.

(Opposed) There are two amendments that have been worked on in the Senate to correct technical errors. One would address the addition of beehives and the other would make the bill exclusive to homeowners' associations and not common interest communities.

Persons Testifying: (In support) Senator Mike Padden, prime sponsor; Julia Costello, Girl

Scouts; and Vicki Carter, Spokane Conservation District.

(Opposed) Krystelle Purkey, Washington State Chapter of Community Association Institute.

Persons Signed In To Testify But Not Testifying: None.