

HOUSE BILL REPORT

HB 2758

As Reported by House Committee On:
Agriculture & Ecology

Title: An act relating to establishing the agricultural conservation easements program.

Brief Description: Establishing the agricultural conservation easements program.

Sponsors: Representatives Quall, Linville and Hunt.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/7/02 [DPS].

Brief Summary of Substitute Bill

- Establishes the Agricultural Conservation Easements Program in the State Conservation Commission.
- Creates the Agricultural Conservation Easements Account in the state treasury.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall and Roach.

Staff: Caroleen Dineen (786-7156).

Background:

The Washington State Conservation Commission (commission) is a state agency that supports 48 locally governed conservation districts to promote cooperation of landowners and resource users in developing, adopting, and implementing conservation practices. The commission manages technical and financial assistance programs relating to issues such as salmon recovery, streamside buffers, and water quality.

The commission is governed by a 10-member board, including:

- Two members appointed by the Governor;
- Three members elected by conservation districts; and
- Five members as designated representatives of the Washington Association of Conservation Districts, Washington State University, Department of Natural Resources, the Department of Ecology, and the Department of Agriculture.

Local governments and certain public and private entities are authorized to acquire the title to or other interests in land for the purposes of protecting, improving, restoring, maintaining or conserving certain open space, farm or agricultural, and timber land for public use or enjoyment. The entities authorized to make these acquisitions include counties, cities, towns, metropolitan park districts, metropolitan municipal corporations, nonprofit historic preservation corporations, and nonprofit nature conservancy corporations or associations. These entities are specifically authorized to acquire development rights in certain open space, farm or agricultural, and timber land (conservation futures) for conservation purposes. The statutes authorizing these acquisitions include some general provisions on future uses of property acquired for these purposes.

To fund acquisitions, counties may impose a property tax levy against the assessed valuation of all taxable property in the county. The property tax levy amount may be no greater than \$0.0625 per \$1,000 of assessed valuation. The levy revenues may be placed in a "conservation futures fund," which may only be used to acquire rights and interests in real property.

Summary of Substitute Bill:

The agricultural conservation easements program (program) is established in the state Conservation Commission (commission). The commission must report to the Legislature on the potential funding sources for purchase of agricultural conservation easements and recommend changes to existing funding authorized by the Legislature.

All program funding must be deposited into the agricultural conservation easements account (account), which is created in the state treasury. Account deposits include legislative appropriations, other sources directed by the Legislature, and gifts, grants, or endowments from public or private sources. Expenditures from the account may be authorized by the commission or its executive director and may be used only for the purchase of easements under the program. Local governments and private nonprofits may be funded from the account on a "match" or "no match" basis. Any easements purchased with account funds run with the land.

The commission is required to manage the program and adopt rules as needed to implement legislative intent. Legislative findings cite concerns regarding land costs and conversion of agricultural lands. Legislative intent is specified for creation of a program

facilitating the use of federal funds, easing local governments' establishment of similar programs, and assisting local governments to fight conversion of agricultural lands.

Substitute Bill Compared to Original Bill:

The substitute bill directs the state Conservation Commission (rather than the Department of Agriculture) to manage the agricultural conservation easements program and allows the state Conservation Commission or its executive director to authorize expenditures from the agricultural conservation easements account. The substitute bill also eliminates the requirement for consideration of specific potential funding sources.

Appropriation: None.

Fiscal Note: Requested on February 5, 2002.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Conservation easements are great tools to keep farmers on the land. Easements are attractive because they are voluntary, unique (i.e., can be tailored to a particular parcel) and are permanent.

1.2 million acres of farm land falls to development each year in the United States. The loss of farm land has a significant impact on farmers and the environment. Farm land adds to the quality of life for everyone. This bill provides a chance to pour some money back into agriculture and addresses an important public benefit.

(concerns) The Department of Agriculture (department) is concerned that the bill seems to direct the Department to go out and find money. The department also has fiscal concerns about creating a new program in the current fiscal climate.

Testimony Against: None.

Testified: (In support) Mike Ryherd, Washington Wildlife and Recreation Coalition; Don Stuart, American Farmland Trust; Len Barson, The Nature Conservancy; and Steve Stuart, 1000 Friends of Washington.

(Concerns) Lee Faulconer, Washington Department of Agriculture.