

SSB 5108 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED AND ENGROSSED 04/10/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** FINDINGS AND PURPOSE. The legislature  
4 finds that maintaining the capacity to provide adequate food and fiber  
5 resources is essential to the long-term sustainability of the state's  
6 citizens and economy. The nation's population has reached three  
7 hundred million and will continue to increase for the foreseeable  
8 future. Further, the world population is now over six billion and is  
9 projected to reach nine billion by the year 2050.

10 In Washington state, the population is growing by over one million  
11 people every decade with much of this growth occurring in western  
12 Washington. This growth is increasing the competition for land not  
13 only for housing, but also associated retail, commercial, industrial,  
14 and leisure industries.

15 The legislature finds that many once-productive agricultural areas  
16 in western Washington have been overtaken and irreversibly converted to  
17 nonagricultural uses. Other agricultural areas in the state have  
18 diminished to the point that they are dangerously close to losing the  
19 land mass necessary to be economically viable. Further, only a limited  
20 number of areas in western Washington still retain a sufficient  
21 agricultural land base and the necessary agricultural infrastructure to  
22 continue to be economically viable both in the short term and the long  
23 term.

24 The legislature recognizes that because this significant decline  
25 has largely occurred in less than a half century, it is imperative that  
26 mechanisms be established at the state level to focus attention, take  
27 the action needed to retain agricultural land, and ensure the  
28 opportunity for future generations to farm these lands.

29 The legislature finds that history shows that previous advanced  
30 civilizations in the world were founded on highly productive

1 agricultural lands and food production systems but when the land or its  
2 productivity was lost, the civilizations declined. In contrast, other  
3 civilizations have existed for millennia because they maintained their  
4 agricultural land base, its productivity, and economic conditions  
5 sufficient to maintain stewardship of their land.

6 The legislature finds that there is a finite quantity of high  
7 quality agricultural land and that often this agricultural land is  
8 mistakenly viewed as an expendable resource. The legislature finds  
9 that the retention of agricultural land is desirable, not only to  
10 produce food, livestock, and other agricultural products, but also to  
11 maintain our state economy and preferable environmental conditions.  
12 For these reasons, and because it is essential that agricultural  
13 production be sufficient to meet the needs of our growing population,  
14 commitment to the retention of agricultural land should be reflected at  
15 the state policy level by the creation of an office of farmland  
16 preservation to support the retention of farmland and the viability of  
17 farming for future generations.

18 NEW SECTION. **Sec. 2.** OFFICE OF FARMLAND PRESERVATION--POWERS AND  
19 DUTIES. (1) The office of farmland preservation is created and shall  
20 be located within the state conservation commission.

21 (2) Staff support for the office shall be provided by the state  
22 conservation commission.

23 (3) The office of farmland preservation may:

24 (a) Provide advice and assist the state conservation commission in  
25 implementing the provisions of RCW 89.08.530 and 89.08.540, including  
26 the merits of leasing or purchasing easements for fixed terms in  
27 addition to purchasing easements in perpetuity;

28 (b) Develop recommendations for the funding level and for the use  
29 of the agricultural conservation easements account established in RCW  
30 89.08.540 with the guidance of the farmland preservation task force  
31 established under section 3 of this act;

32 (c) With input from the task force created in section 3 of this  
33 act, provide an analysis of the major factors that have led to past  
34 declines in the amount and use of agricultural lands in Washington and  
35 of the factors that will likely affect retention and economic viability  
36 of these lands into the future including, but not limited to, pressures  
37 to convert land to nonagricultural uses, loss of processing plants and

1 markets, loss of profitability, productivity, and competitive  
2 advantage, urban sprawl, water availability and quality, restrictions  
3 on agricultural land use, and conversion to recreational or other uses;

4 (d) Develop model programs and tools, including innovative economic  
5 incentives for landowners, to retain agricultural land for agricultural  
6 production, with the guidance from the farmland preservation task force  
7 created under section 3 of this act;

8 (e) Provide technical assistance to localities as they develop and  
9 implement programs, mechanisms, and tools to encourage the retention of  
10 agricultural lands;

11 (f) Develop a grant process and an eligibility certification  
12 process for localities to receive grants for local programs and tools  
13 to retain agricultural lands for agricultural production;

14 (g) Provide analysis and recommendations as to the continued  
15 development and implementation of the farm transition program  
16 including, but not limited to, recommending:

17 (i) Assistance in the preparation of business plans for the  
18 transition of business interests;

19 (ii) Assistance in the facilitation of transfers of existing  
20 properties and agricultural operations to interested buyers; and

21 (iii) Research assistance on agricultural, financial, marketing,  
22 and other related transition matters;

23 (h) Begin the development of a farm transition program to assist in  
24 the transition of farmland and related businesses from one generation  
25 to the next, aligning the farm transition program closely with the  
26 farmland preservation effort to assure complementary functions; and

27 (i) Serve as a clearinghouse for incentive programs that would  
28 consolidate and disseminate information relating to conservation  
29 programs that are accessible to landowners and assist owners of  
30 agricultural lands to secure financial assistance to implement  
31 conservation easements and other projects.

32 NEW SECTION. **Sec. 3.** FARMLAND PRESERVATION TASK FORCE. (1) The  
33 farmland preservation task force is established with the following  
34 voting members:

35 (a) Six farmer representatives, one from each of six regions  
36 delineated by the state conservation commission at least one of whom is

1 a commercial livestock producer, of which at least two representatives  
2 shall be under the age of forty-five, appointed by the governor from  
3 persons nominated by recognized agricultural organizations;

4 (b) A representative of the state conservation commission,  
5 appointed by the chair of the state conservation commission;

6 (c) A representative of the department of agriculture, appointed by  
7 the director;

8 (d) A representative of counties in eastern Washington, appointed  
9 by the Washington state association of counties;

10 (e) A representative of counties in western Washington, appointed  
11 by the Washington state association of counties;

12 (f) Two members of the senate, one from each major political  
13 caucus, appointed by the president of the senate;

14 (g) Two members of the house of representatives, one from each  
15 major political caucus, appointed by the speaker of the house of  
16 representatives;

17 (h) A representative of the office of the governor, appointed by  
18 the governor; and

19 (i) A representative of conservation districts, appointed by the  
20 state association of conservation districts.

21 (2) The following persons shall be requested to participate as  
22 nonvoting members of the farmland preservation task force:

23 (a) A representative of the federal natural resources conservation  
24 service with knowledge of federal agricultural land retention programs  
25 and funding sources, appointed by the state conservationist; and

26 (b) A person with technical expertise from the department of  
27 community, trade, and economic development, appointed by the agency's  
28 director.

29 (3) The task force shall meet at least twice a year. The task  
30 force shall be staffed by the state conservation commission. The chair  
31 of the task force shall be elected for a term of one year by the voting  
32 members of the task force.

33 (4) Nonlegislative members of the task force are entitled to be  
34 reimbursed for travel expenses in accordance with RCW 43.03.050 and  
35 43.03.060 by the state conservation commission. Legislative members of  
36 the task force are entitled to be reimbursed for travel expenses in  
37 accordance with RCW 44.04.120.

38 (5) This section expires January 1, 2011.

1       **Sec. 4.** RCW 89.08.530 and 2002 c 280 s 2 are each amended to read  
2 as follows:

3       (1) The agricultural conservation easements program is created.  
4 The state conservation commission shall manage the program and adopt  
5 rules as necessary to implement the legislature's intent.

6       (2) The commission shall report to the legislature on an on-going  
7 basis regarding potential funding sources for the purchase of  
8 agricultural conservation easements under the program and recommend  
9 changes to existing funding authorized by the legislature.

10       (3) All funding for the program shall be deposited into the  
11 agricultural conservation easements account created in RCW 89.08.540.  
12 Expenditures from the account shall be made to local governments and  
13 private nonprofits on a match or no match required basis at the  
14 discretion of the commission. Moneys in the account may be used to  
15 purchase easements in perpetuity or to purchase or lease easements for  
16 a fixed term.

17       (4) Easements purchased with money from the agricultural  
18 conservation easements account run with the land.

19       **Sec. 5.** RCW 89.08.540 and 2002 c 280 s 3 are each amended to read  
20 as follows:

21       (1) The agricultural conservation easements account is created in  
22 the custody of the state treasurer. All receipts from legislative  
23 appropriations, other sources as directed by the legislature, and  
24 gifts, grants, or endowments from public or private sources must be  
25 deposited into the account. Expenditures from the account may be used  
26 only for the purchase of easements in perpetuity or for the purchase or  
27 lease of easements for a fixed term under the agricultural conservation  
28 easements program. Only the state conservation commission, or the  
29 executive director of the commission on the commission's behalf, may  
30 authorize expenditures from the account. The account is subject to  
31 allotment procedures under chapter 43.88 RCW, but an appropriation is  
32 not required for expenditures.

33       (2) The commission is authorized to receive and expend gifts,  
34 grants, or endowments from public or private sources that are made  
35 available, in trust or otherwise, for the use and benefit of the  
36 agricultural conservation easements program.

1        NEW SECTION.   **Sec. 6.**   A new section is added to chapter 90.84 RCW  
2   to read as follows:

3        Agricultural land shall not be acquired by a governmental entity  
4   for wetland mitigation purposes through eminent domain.

5        NEW SECTION.   **Sec. 7.**   Section 6 of this act is necessary for the  
6   immediate preservation of the public peace, health, or safety, or  
7   support of the state government and its existing public institutions,  
8   and takes effect immediately.

9        NEW SECTION.   **Sec. 8.**   CAPTIONS NOT LAW.   Captions used in this act  
10   are not any part of the law.

11       NEW SECTION.   **Sec. 9.**   Sections 1 through 3 and 8 of this act  
12   constitute a new chapter in Title 89 RCW."

13       Correct the title.

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