

HOUSE BILL REPORT

SHB 1747

As Passed Legislature

Title: An act relating to conservation district deannexation of municipalities, dissolution, and liability.

Brief Description: Changing conservation district provisions.

Sponsors: By House Committee on Agriculture & Ecology (Originally sponsored by Representatives Linville and G. Chandler; by request of Washington State Conservation Commission).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/19/99, 2/25/99 [DPS].

Floor Activity:

Passed House: 3/9/99, 93-0.

Senate Amended.

Passed Senate: 4/14/99, 48-0.

Senate Amended.

Passed Senate: 4/23/99, 43-0.

House Concurred.

Passed Legislature.

Brief Summary of Substitute Bill

- Standardizes petition requirements pertaining to conservation districts;
- Creates a process for cities and towns to withdraw from conservation districts;
- Eliminates the responsibility of the Conservation Commission to assume liabilities from dissolved conservation districts.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Bill Lynch (786-7092).

Background:

A conservation district may be initiated by filing a petition with the Conservation Commission that is signed by 25 or more persons who live in the affected area. Similarly, annexation of territory to a conservation district may be initiated by the occupiers of the lands to be included in the district. After a district has been organized for five years, 100 occupiers of lands within the district may file a petition with the commission to dissolve the district.

If a majority of votes cast at an election to dissolve a conservation district favor dissolution, the district is dissolved. If two-thirds of the votes cast oppose dissolution of the district, the commission must determine whether the continued existence of the district is practicable. If a conservation district is dissolved, there is no requirement for the proceeds from the sale of district property to be applied to the debts of the district.

A dissolution of a conservation district does not affect any contracts or obligations of the district. The Conservation Commission is required to assume all duties, liabilities, and powers of the district supervisors. If a petition to dissolve a district is rejected, no new petition for the dissolution of a district may be submitted for a period of five years.

There is no process for withdrawing a city or town from a conservation district. As new cities and towns incorporate, or as cities and towns annex territory, there is a greater likelihood of city or town property being included within a conservation district's boundaries.

Conservation districts administer programs which provide federal cost-share assistance to occupiers of land. The conservation district supervisors are unable to participate in these programs because it would constitute a violation of the municipal officers ethics law.

Summary of Bill:

The number of property owners required to sign a petition to initiate a conservation district, or to annex territory to an existing conservation district, or to dissolve a

conservation district, is 20 percent of the registered voters occupying land within the area.

Language is removed which requires the Conservation Commission to consider whether the continued existence of a conservation district is practicable after a ballot measure to dissolve the district fails. If a district is dissolved, proceeds from the sale of district property must be used to pay any debts of the district and the remaining balance is paid to the State Treasurer.

The requirement for the Conservation Commission to assume the liabilities of a dissolved conservation district is repealed. The prohibition against filing a petition for the dissolution of a district within five years after a dissolution election fails is repealed.

The legislative authority of a city or town may approve a petition to withdraw from the district by a majority vote. The petition must be submitted to the conservation district for its approval. If the conservation district approves the petition, it is submitted to the Conservation Commission. The Conservation Commission must notify the Secretary of State if the petition is approved in order to adjust the boundaries of the district. If a city and a conservation district disagree over the city's withdrawal from the conservation district, the petition is forwarded to the Conservation Commission to decide whether the city may withdraw from the district based upon criteria its has adopted by rule to address petitions in dispute.

District supervisors who are also land occupiers may participate in cost-share assistance provided to the district without violating the ethics law pertaining to municipal officers.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There is a need to establish a process to allow cities to withdraw from a conservation district. Some cities have their own programs which they run. The signature requirements for petitions are about average when compared to other units of local government. There is the potential to lose state dollars to pay liabilities of a dissolved conservation district. This potential liability should be removed.

Testimony Against: None.

Testified: (In support) Steve Meyer, Conservation Commission; and Don Stuart, Association of Conservation Districts.

(In support with amendment) Mike Ryherd, city of Federal Way.