

ANALYSIS OF HB 1747

House Agriculture & Ecology Committee
1999

February 19,

- 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.

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.

Prepared for the House Agriculture & Ecology Committee
by Bill Lynch, (786-7092)
Office of Program Research

SUMMARY: 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% 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 for its approval. The Conservation Commission must notify the Secretary of State if the petition is approved in order to adjust the boundaries of the district.