

2 **ESSB 5904** - H COMM AMD **ADOPTED 4/5/01**  
3 By Committee on Agriculture & Ecology

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 29.04 RCW  
8 to read as follows:

9 (1) Nothing in this title shall apply to conservation districts  
10 governed under chapter 89.08 RCW, unless a conservation district  
11 chooses to have its elections governed under this title.

12 (2) A conservation district choosing to have its elections governed  
13 under this title shall:

14 (a) Still be governed by other nonelection provisions of chapter  
15 89.08 RCW;

16 (b) Still be governed by RCW 89.08.160(2); and

17 (c) Remain solely responsible for the costs of holding elections  
18 under this title.

19 (3) Any conservation district choosing to have its elections  
20 governed under this title shall make the choice and provide notice to  
21 any affected county auditors by May 1st in the year in which the  
22 election is to be conducted.

23 (4) Candidates and conservation district supervisors in districts  
24 that choose to have their elections governed under this title are  
25 subject to chapter 42.17 RCW. Candidates and conservation district  
26 supervisors in districts whose elections are governed under chapter  
27 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

28 **Sec. 2.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each  
29 amended to read as follows:

30 (1) If the commission finds the project practicable, it shall  
31 appoint two supervisors, one of whom shall be a landowner or operator  
32 of a farm, who shall be qualified by training and experience to perform  
33 the specialized skilled services required of them. They, with the  
34 three elected supervisors, two of whom shall be landowners or operators  
35 of a farm, shall constitute the governing board of the district.

1       (2) In all subsequent appointments, at least one appointed  
2 supervisor shall be a landowner or operator of a farm. In all  
3 subsequent elections, at least two elected supervisors shall be  
4 landowners or operators of farms.

5       (3) The two appointed supervisors shall file with the secretary of  
6 state a sworn application, reciting that a petition was filed with the  
7 commission for the creation of the district; that all required  
8 proceedings were had thereon; that they were appointed by the  
9 commission as such supervisors; and that the application is being filed  
10 to complete the organization of the district. It shall contain the  
11 names and residences of the applicants, a certified copy of their  
12 appointments, the name of the district, the location of the office of  
13 the supervisors and the term of office of each applicant.

14       (4) The application shall be accompanied by a statement of the  
15 commission, reciting that a petition was filed, notice issued, and  
16 hearing held thereon as required; that it determined the need for the  
17 district and defined the boundaries thereof; that notice was given and  
18 an election held on the question of creating the district; that a  
19 majority vote favored the district, and that the commission had  
20 determined the district practicable; and shall set forth the boundaries  
21 of the district.

22       **Sec. 3.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read  
23 as follows:

24       Unless the context clearly indicates otherwise, as used in this  
25 chapter:

26       (1) "Commission" and "state conservation commission" mean((s)) the  
27 agency created hereunder. All former references to "state soil and  
28 water conservation committee", "state committee" or "committee" shall  
29 be deemed to be references to the "state conservation commission"((+)).

30       (2) "District", or "conservation district" means a governmental  
31 subdivision of this state and a public body corporate and politic,  
32 organized in accordance with the provisions of chapter 184, Laws of  
33 1973 1st ex. sess., for the purposes, with the powers, and subject to  
34 the restrictions set forth in this chapter. All districts created  
35 under chapter 184, Laws of 1973 1st ex. sess. shall be known as  
36 conservation districts and shall have all the powers and duties set out  
37 in chapter 184, Laws of 1973 1st ex. sess. All references in chapter  
38 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water

1 conservation districts" shall be deemed to be reference to  
2 "conservation districts"((‡)).

3 (3) "Board" and "supervisors" mean the board of supervisors of a  
4 conservation district((‡)).

5 (4) "Land occupier" or "occupier of land" includes any person,  
6 firm, political subdivision, government agency, municipality, public or  
7 private corporation, copartnership, association, or any other entity  
8 whatsoever which holds title to, or is in possession of, any lands  
9 lying within a district organized under the provisions of chapter 184,  
10 Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant,  
11 or otherwise((‡)).

12 (5) "District elector" or "voter" means a registered voter in the  
13 county where the district is located who resides within the district  
14 boundary or in the area affected by a petition((‡)).

15 (6) "Due notice" means a notice published at least twice, with at  
16 least six days between publications, in a publication of general  
17 circulation within the affected area, or if there is no such  
18 publication, by posting at a reasonable number of public places within  
19 the area, where it is customary to post notices concerning county and  
20 municipal affairs. Any hearing held pursuant to due notice may be  
21 postponed from time to time without a new notice((‡)).

22 (7) "Renewable natural resources", "natural resources" or  
23 "resources" includes land, air, water, vegetation, fish, wildlife, wild  
24 rivers, wilderness, natural beauty, scenery and open space((‡)).

25 (8) "Conservation" includes conservation, development, improvement,  
26 maintenance, preservation, protection and use, and alleviation of  
27 floodwater and sediment damages, and the disposal of excess surface  
28 waters.

29 (9) "Farm and agricultural land" means either (a) land in any  
30 contiguous ownership of twenty or more acres devoted primarily to  
31 agricultural uses; (b) any parcel of land five acres or more but less  
32 than twenty acres devoted primarily to agricultural uses, which has  
33 produced a gross income from agricultural uses equivalent to one  
34 hundred dollars or more per acre per year for three of the five  
35 calendar years preceding the date of application for classification  
36 under this chapter; or (c) any parcel of land of less than five acres  
37 devoted primarily to agricultural uses which has produced a gross  
38 income of one thousand dollars or more per year for three of the five  
39 calendar years preceding the date of application for classification

1 under this chapter. Agricultural lands shall also include farm  
2 woodlots of less than twenty and more than five acres and the land on  
3 which appurtenances necessary to production, preparation or sale of the  
4 agricultural products exist in conjunction with the lands producing  
5 such products. Agricultural lands shall also include any parcel of  
6 land of one to five acres, which is not contiguous, but which otherwise  
7 constitutes an integral part of farming operations being conducted on  
8 land qualifying under this section as "farm and agricultural lands".

9 (10) "Elected supervisor" means a member of the board of  
10 supervisors who is not appointed by the conservation commission and who  
11 is elected under section 1 of this act or under this chapter.

12 **Sec. 4.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read  
13 as follows:

14 For those districts that have chosen to conduct elections of  
15 supervisors pursuant to this chapter:

16 (1) Special assessments are authorized to be imposed for  
17 conservation districts as provided in this section. Activities and  
18 programs to conserve natural resources, including soil and water, are  
19 declared to be of special benefit to lands and may be used as the basis  
20 upon which special assessments are imposed.

21 (2)(a) Special assessments to finance the activities of a  
22 conservation district may be imposed by the county legislative  
23 authority of the county in which the conservation district is located  
24 for a period or periods each not to exceed ten years in duration.

25 The supervisors of a conservation district shall hold a public  
26 hearing on a proposed system of assessments prior to the first day of  
27 August in the year prior to which it is proposed that the initial  
28 special assessments be collected. At that public hearing, the  
29 supervisors shall gather information and shall alter the proposed  
30 system of assessments when appropriate, including the number of years  
31 during which it is proposed that the special assessments be imposed.

32 (b) On or before the first day of August in that year, the  
33 supervisors of a conservation district shall file the proposed system  
34 of assessments, indicating the years during which it is proposed that  
35 the special assessments shall be imposed, and a proposed budget for the  
36 succeeding year with the county legislative authority of the county  
37 within which the conservation district is located. The county  
38 legislative authority shall hold a public hearing on the proposed

1 system of assessments. After the hearing, the county legislative  
2 authority may accept, or modify and accept, the proposed system of  
3 assessments, including the number of years during which the special  
4 assessments shall be imposed, if it finds that both the public interest  
5 will be served by the imposition of the special assessments and that  
6 the special assessments to be imposed on any land will not exceed the  
7 special benefit that the land receives or will receive from the  
8 activities of the conservation district. The findings of the county  
9 legislative authority shall be final and conclusive.

10 (c) Special assessments may be altered during this period on  
11 individual parcels in accordance with the system of assessments if land  
12 is divided or land uses or other factors change.

13 (d) Notice of the public hearings held by the supervisors and the  
14 county legislative authority shall be posted conspicuously in at least  
15 five places throughout the conservation district, and published once a  
16 week for two consecutive weeks in a newspaper in general circulation  
17 throughout the conservation district, with the date of the last  
18 publication at least five days prior to the public hearing.

19 (3) A system of assessments shall classify lands in the  
20 conservation district into suitable classifications according to  
21 benefits conferred or to be conferred by the activities of the  
22 conservation district, determine an annual per acre rate of assessment  
23 for each classification of land, and indicate the total amount of  
24 special assessments proposed to be obtained from each classification of  
25 lands. Lands deemed not to receive benefit from the activities of the  
26 conservation district shall be placed into a separate classification  
27 and shall not be subject to the special assessments. An annual  
28 assessment rate shall be stated as either uniform annual per acre  
29 amount, or an annual flat rate per parcel plus a uniform annual rate  
30 per acre amount, for each classification of land. The maximum annual  
31 per acre special assessment rate shall not exceed ten cents per acre.  
32 The maximum annual per parcel rate shall not exceed five dollars.

33 Public land, including lands owned or held by the state, shall be  
34 subject to special assessments to the same extent as privately owned  
35 lands. The procedures provided in chapter 79.44 RCW shall be followed  
36 if lands owned or held by the state are subject to the special  
37 assessments of a conservation district.

38 Forest lands used solely for the planting, growing, or harvesting  
39 of trees may be subject to special assessments if such lands benefit

1 from the activities of the conservation district, but the per acre rate  
2 of special assessment on benefited forest lands shall not exceed one-  
3 tenth of the weighted average per acre assessment on all other lands  
4 within the conservation district that are subject to its special  
5 assessments. The calculation of the weighted average per acre special  
6 assessment shall be a ratio calculated as follows: (a) The numerator  
7 shall be the total amount of money estimated to be derived from the  
8 imposition of per acre special assessments on the nonforest lands in  
9 the conservation district; and (b) the denominator shall be the total  
10 number of nonforest land acres in the conservation district that  
11 receive benefit from the activities of the conservation district and  
12 which are subject to the special assessments of the conservation  
13 district. No more than ten thousand acres of such forest lands that is  
14 both owned by the same person or entity and is located in the same  
15 conservation district may be subject to the special assessments that  
16 are imposed for that conservation district in any year. Per parcel  
17 charges shall not be imposed on forest land parcels. However, in lieu  
18 of a per parcel charge, a charge of up to three dollars per forest  
19 landowner may be imposed on each owner of forest lands whose forest  
20 lands are subject to a per acre rate of assessment.

21 (4) A conservation district shall prepare an assessment roll that  
22 implements the system of assessments approved by the county legislative  
23 authority. The special assessments from the assessment roll shall be  
24 spread by the county assessor as a separate item on the tax rolls and  
25 shall be collected and accounted for with property taxes by the county  
26 treasurer. The amount of a special assessment shall constitute a lien  
27 against the land that shall be subject to the same conditions as a tax  
28 lien, collected by the treasurer in the same manner as delinquent real  
29 property taxes, and subject to the same interest rate and penalty as  
30 for delinquent property taxes. The county treasurer shall deduct an  
31 amount, as established by the county legislative authority, from the  
32 collected special assessments(~~(, as established by the county~~  
33 ~~legislative authority,~~)) to cover the costs incurred by the county  
34 assessor and county treasurer in spreading and collecting the special  
35 assessments, but not to exceed the actual costs of such work.

36 (5) The special assessments for a conservation district shall not  
37 be spread on the tax rolls and shall not be collected with property tax  
38 collections in the following year if, after the system of assessments  
39 has been approved by the county legislative authority but prior to the

1 fifteenth day of December in that year, a petition has been filed with  
2 the county legislative authority objecting to the imposition of such  
3 special assessments, which petition has been signed by at least twenty  
4 percent of the owners of land that would be subject to the special  
5 assessments to be imposed for a conservation district.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 89.08 RCW  
7 to read as follows:

8 For those districts that have chosen to conduct elections of  
9 supervisors pursuant to Title 29 RCW:

10 (1) Special assessments are authorized to be imposed for  
11 conservation districts as provided in this section. Activities and  
12 programs to conserve natural resources, including soil and water, are  
13 declared to be of special benefit to lands and may be used as the basis  
14 upon which special assessments are imposed.

15 (2)(a) Special assessments to finance the activities of a  
16 conservation district may be imposed by the board of supervisors for a  
17 period or periods each not to exceed ten years in duration.

18 The supervisors of a conservation district shall hold a public  
19 hearing on a proposed system of assessments prior to the first day of  
20 August in the year prior to which it is proposed that the initial  
21 special assessments be collected. At that public hearing, the  
22 supervisors shall gather information and shall alter the proposed  
23 system of assessments when appropriate, including the number of years  
24 during which it is proposed that the special assessments be imposed.

25 (b) After the public hearing, if the board of supervisors finds  
26 that both the public interest will be served by the imposition of the  
27 special assessments and that the special assessments to be imposed on  
28 any land will not exceed the special benefit that the land receives or  
29 will receive from the activities of the conservation district, the  
30 board of supervisors shall impose the assessments.

31 (c) Special assessments may be altered during this period on  
32 individual parcels in accordance with the system of assessments if land  
33 is divided or land uses or other factors change.

34 (d) Notice of the public hearings held by the supervisors shall be  
35 posted conspicuously in at least five places throughout the  
36 conservation district, and published once a week for two consecutive  
37 weeks in a newspaper in general circulation throughout the conservation

1 district, with the date of the last publication at least five days  
2 prior to the public hearing.

3 (3) A system of assessments shall classify lands in the  
4 conservation district into suitable classifications according to  
5 benefits conferred or to be conferred by the activities of the  
6 conservation district, determine an annual per acre rate of assessment  
7 for each classification of land, and indicate the total amount of  
8 special assessments proposed to be obtained from each classification of  
9 lands. Lands deemed not to receive benefit from the activities of the  
10 conservation district shall be placed into a separate classification  
11 and shall not be subject to the special assessments. An annual  
12 assessment rate shall be stated as either uniform annual per acre  
13 amount, or an annual flat rate per parcel plus a uniform annual rate  
14 per acre amount, for each classification of land. The maximum annual  
15 per acre special assessment rate shall not exceed ten cents per acre.  
16 The maximum annual per parcel rate shall not exceed five dollars.

17 Public land, including lands owned or held by the state, shall be  
18 subject to special assessments to the same extent as privately owned  
19 lands. The procedures provided in chapter 79.44 RCW shall be followed  
20 if lands owned or held by the state are subject to the special  
21 assessments of a conservation district.

22 Forest lands used solely for the planting, growing, or harvesting  
23 of trees may be subject to special assessments if such lands benefit  
24 from the activities of the conservation district, but the per acre rate  
25 of special assessment on benefited forest lands shall not exceed one-  
26 tenth of the weighted average per acre assessment on all other lands  
27 within the conservation district that are subject to its special  
28 assessments. The calculation of the weighted average per acre special  
29 assessment shall be a ratio calculated as follows: (a) The numerator  
30 shall be the total amount of money estimated to be derived from the  
31 imposition of per acre special assessments on the nonforest lands in  
32 the conservation district; and (b) the denominator shall be the total  
33 number of nonforest land acres in the conservation district that  
34 receive benefit from the activities of the conservation district and  
35 which are subject to the special assessments of the conservation  
36 district. No more than ten thousand acres of such forest lands that is  
37 both owned by the same person or entity and is located in the same  
38 conservation district may be subject to the special assessments that  
39 are imposed for that conservation district in any year. Per parcel



1 charges shall not be imposed on forest land parcels. However, in lieu  
2 of a per parcel charge, a charge of up to three dollars per forest  
3 landowner may be imposed on each owner of forest lands whose forest  
4 lands are subject to a per acre rate of assessment.

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6 implements the system of assessments approved by the board of  
7 supervisors. The special assessments from the assessment roll shall be  
8 spread by the county assessor as a separate item on the tax rolls and  
9 shall be collected and accounted for with property taxes by the county  
10 treasurer. The amount of a special assessment shall constitute a lien  
11 against the land that shall be subject to the same conditions as a tax  
12 lien, collected by the treasurer in the same manner as delinquent real  
13 property taxes, and subject to the same interest rate and penalty as  
14 for delinquent property taxes. The county treasurer shall deduct an  
15 amount, as established by the county legislative authority, from the  
16 collected special assessments to cover the costs incurred by the county  
17 assessor and county treasurer in spreading and collecting the special  
18 assessments, but not to exceed the actual costs of such work.

19 (5) The special assessments for a conservation district shall not  
20 be spread on the tax rolls and shall not be collected with property tax  
21 collections in the following year if, after the system of assessments  
22 has been approved by the board of supervisors, but prior to the  
23 fifteenth day of December in that year, a petition has been filed with  
24 the board of supervisors objecting to the imposition of such special  
25 assessments, which petition has been signed by at least twenty percent  
26 of the owners of land that would be subject to the special assessments  
27 to be imposed for a conservation district.

28 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately."

32 **ESSB 5904** - H COMM AMD  
33 By Committee on Agriculture & Ecology

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35 On page 1, line 1 of the title, after "supervisors;" strike the  
36 remainder of the title and insert "amending RCW 89.08.160, 89.08.020,

1 and 89.08.400; adding a new section to chapter 29.04 RCW; adding a new  
2 section to chapter 89.08 RCW; and declaring an emergency."

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