

HOUSE BILL REPORT

ESSB 5904

As Reported by House Committee On:
Agriculture & Ecology

Title: An act relating to choosing conservation district supervisors.

Brief Description: Revising procedures for choosing conservation district supervisors.

Sponsors: By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Morton and Rasmussen).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/27/01, 3/29/01 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Makes provisions for conservation districts to choose to use the conservation district election process or the general election statutes.
- Specifies requirements for districts choosing to use the general election statutes.
- Authorizes conservation districts choosing the local general and special election method to impose special assessments without county legislative authority approval.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Quall, Roach, Schoesler and Sump.

Staff: Caroleen Dineen (786-7156).

Background:

A conservation district is created to conduct activities related to conservation of

renewable natural resources. Some conservation district programs and activities include research, surveys, investigations, educational programs, and technical assistance. Conservation districts are assisted and their programs are coordinated by the Conservation Commission, a state agency.

A conservation district may be initiated by filing a petition with the Conservation Commission that is signed by 20 percent of the voters occupying land within the affected area. The Conservation Commission is required to hold a hearing on the petition and to enter findings approving or denying the petition. If it determines the conservation district is needed, the Conservation Commission submits the proposal to create the district to a vote of district electors. Upon a majority vote favoring the proposed district, the Conservation Commission must determine the proposed district's practicability, considering factors such as the voters' attitudes, number of eligible voters who voted at the election, size of the majority vote, wealth and income of the land occupiers, probable expense, and other relevant economic factors.

If it finds the district is impracticable, the Conservation Commission must deny the petition, an action which precludes a new petition from being filed for the same area within six months. If it determines practicability, the Conservation Commission appoints two district supervisors to serve with the three elected supervisors. One of the two appointed supervisors must be a land owner or farm operator, and two of the three elected supervisors must be land owners or farm operators.

Summary of Amended Bill:

Conservation districts may choose to use the conservation district chapter election process or the process specified in general election statutes. Conservation districts choosing to use the general election procedures must notify affected county auditors by May 1 of the year in which the election is to be conducted.

Conservation districts choosing to conduct elections according to the general election statutes are still governed by the statutory conservation district provisions not related to election processes. Conservation districts choosing general elections procedures remain solely responsible for the costs of holding elections.

At least one district supervisor appointed to a conservation district board of supervisors after the initial appointments must be a land owner or farm operator. In elections subsequent to the initial election, at least two of the three elected supervisors must be land owners or farm operators.

Candidates and conservation district supervisors in districts choosing to use the general election processes are subject to statutory public disclosure requirements. Conservation district supervisors elected or appointed through other processes are not subject to public

disclosure requirements.

Conservation districts choosing the general election process may impose special assessments for activities and programs to conserve natural resources, including soil and water, without county legislative authority approval. Those districts choosing to use the conservation district election process must still obtain county legislative authority approval to impose these assessments.

"Elected supervisor" is defined as a member of a conservation district board of supervisors who is not appointed by the state Conservation Commission and who is elected under either the general election or conservation district process.

Amended Bill Compared to Engrossed Substitute Bill:

The amendment: (1) removes provisions authorizing a conservation district to request that the legislative authority of the county or counties in which the district is located appoint district electors to serve as the board's elected supervisors; (2) adds the requirement for conservation districts choosing the general election process to notify affected county auditors by May 1 of the year in which the election is to be conducted; and (3) adds provisions authorizing conservation districts using the general election process for supervisor elections to impose assessments without county legislative authority approval.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: This bill contains an emergency clause and takes effect immediately.

Testimony For: This bill is important for conservation districts. The bill creates the option for conservation districts to go on the general election ballot. Only supervisor candidates on the general election ballot are subject to public disclosure requirements. The assessments should all be approved by county legislative authorities. The auditors would like notice by May 1 if districts plan to use the general election process.

(With concerns) Without the bill, all districts may end up on the general election ballot. The districts need the option to choose and the tools to provide services. The bill should allow districts using the general election process to impose assessments without county legislative authority approval. The alternative method of requesting the county legislative authority to appoint supervisors should be removed.

Testified: (In support) Senator Morton, prime sponsor.

(With concerns) Pat McGregor, Washington Association of Conservation Districts; and Rich Baden, Spokane County Conservation Districts.

(Neutral) Suzanne Sinclair, Washington Association of County Auditors.