

HOUSE BILL REPORT

ESHB 1502

As Passed House:

June 21, 2001

Title: An act relating to conservation districts.

Brief Description: Revising provisions relating to conservation districts.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler, Grant, Schoesler and Mastin).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/9/01, 2/20/01 [DPS].

Floor Activity:

Passed House: 3/9/01, 98-0

Second Special Session

Floor Activity:

Passed House: 6/21/01, 86-0.

Brief Summary of Engrossed Substitute Bill

- Makes provisions for conservation districts to choose to use the conservation district chapter election process or the local general and special election statute.
- Changes supervisors' terms from six to four years, specifies initial staggered terms for the district supervisors, and includes procedures for supervisors whose terms expire during 2001-2003.
- 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: 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; Mielke, Republican

Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, 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 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 exempt from public disclosure requirements.

Conservation district supervisors' terms are changed from three to four years. Initial appointed supervisors are to serve staggered terms for two and four years from the date of appointment. For initial elected supervisors, terms are staggered for two, three and four years. For elected supervisors whose terms expire in 2001, a special election is to be held in the last quarter of 2001. For those elected supervisors whose terms expire in 2002 or 2003, general elections are to be held in 2003, with incumbents remaining in office until successors are elected and qualified.

Conservation districts choosing the general election process for supervisor elections 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 for supervisor elections 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original bill/In favor) This bill reverses changes made last year that put conservation districts under general election law. Conservation districts work best when there is a high level of trust and understanding between those in the district and the district supervisors; this bill will help to promote that trust and understanding.

(Original bill/In favor with concerns) Some conservation districts are unable or not willing to conduct elections on the general election ballot.

This bill needs to addresses concerns that not all districts are alike and that conservation

districts should have the option of going on the general ballot. The 20 percent petition signature requirement should be retained. An attorney general ruling defines the land occupier language very broadly.

Testimony Against: None.

Testified: (Original bill/In favor) Heather Hansen, Washington Association of Wine Grape Growers; and Jim Sims, Mason Conservation District.

(In favor with concerns) Pat McGregor, Washington Association of Conservation Districts; Jim Armstrong, Spokane County Conservation District; and Steve Meyer, Conservation Commission.