

HOUSE BILL REPORT

HB 1502

As Reported by House Committee On:
Agriculture & Ecology

Title: An act relating to conservation districts.

Brief Description: Revising provisions relating to conservation districts.

Sponsors: Representatives G. Chandler, Grant, Schoesler and Mastin.

Brief History:

Committee Activity:

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

Brief Summary of Substitute Bill

- Makes provisions for conservation districts to choose to use the conservation district chapter election process or the local general and special election statutes.
- Specifies procedures for districts choosing the conservation district election statutory method and the local general and special election statutes.
- 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.

Annexation of territory to an existing district may be initiated by filing a petition with the Conservation Commission that is signed by 20 percent of the voters of the area to be included in the district. The procedure for annexation of territory is the same as for creation of a district. Alternatively, the Conservation Commission may change a district's or districts' boundaries upon the petition of a majority of the voters in the relevant districts or in areas not included within a district. Further, the Conservation Commission has authority to approve the combination of all or parts of districts.

After a district has been organized for five years, 20 percent of the district voters may file a petition with the Conservation Commission to dissolve the district. A conservation district is dissolved if a majority of votes cast at an election favor dissolution.

Summary of Substitute Bill:

The definition of a conservation "district elector" is changed from a registered voter residing within the district to a qualified county elector occupying land within the district boundary. References to "voters" are changed to "district electors" in statutes relating to creation and dissolution of a conservation district as well as to annexation of territory to a district and combinations of districts.

Conservation districts may choose to use the conservation district chapter election process or the process specified in local general and special election statutes. For conservation districts choosing to conduct elections according to the conservation district chapter process, election procedures are specified as follows:

- elections are to be held in odd-numbered years;
- a supervisor position is treated as vacant and no election is held if no one files for the position; and
- a person is deemed elected to a supervisor position if he or she is the only person who filed for the position.

For those conservation districts choosing to use the local general and special election statutes, the provisions of Title 29 RCW and the following special provisions apply:

- no primary is held to nominate candidates;
- the alternate method of dividing the district into three zones, authorized for elections under the conservation district chapter, may be used; and
- all candidates and supervisors are subject to public disclosure law 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 local general and special election method 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 chapter's election process must still obtain county legislative authority approval to impose these assessments.

Substitute Bill Compared to Original Bill:

The substitute adds authority for conservation districts to choose to conduct elections according to the election process specified in the conservation districts chapter or the election procedures in the local general and special elections statutes. The substitute also adds provisions related to these election methods and procedures. Further, the substitute adds the authority for conservation districts choosing to conduct elections according to the local general and special election method to impose assessments without county legislative authority approval.

The substitute removes changes to the petition signature requirements in the district

creation and district dissolution statutes, retaining the current law 20 percent signature requirement. The substitute also eliminates references to land occupation in the district elector definition and in other provisions and changes references from voters to district electors in several sections.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: 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 address 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.