

SENATE BILL REPORT

SB 6572

As Reported By Senate Committee On:
Agriculture & International Trade, February 8, 2002

Title: An act relating to conservation district supervisors.

Brief Description: Clarifying that conservation district supervisors' elections and public disclosure requirements are governed by conservation district laws.

Sponsors: Senators Rasmussen, Morton, Carlson and Benton.

Brief History:

Committee Activity: Agriculture & International Trade: 2/1/02, 2/8/02 [DPS].

SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

Majority Report: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Snyder, Spanel and Swecker.

Staff: Bob Lee (786-7404)

Background: Conservation district statutes were enacted in 1939. These statutes contain a process for conducting elections for conservation district supervisors and elections for creation of districts, and annexation of lands into the district. Under these statutes, the board of supervisors is composed of five members, three whom are elected and two that are appointed by the State Conservation Commission.

Terms of office are three years with one position standing for election each year. The board of supervisors sets the date of election, which is to occur during the first quarter of each calendar year. A petition signed by 25 electors is needed for a person's name to appear on the ballot. An extra line is to be on the ballot for a write-in candidate. The election is held in the district at a location determined by the board. The board is to give due notice of the election.

Conservation district supervisors receive no compensation but may be reimbursed for expenses.

The State Conservation Commission has authority to establish procedures for elections, canvass the returns, and announce the official results.

In 1999, a change was made that voters of the district are to be registered voters of the county and reside within the district. This replaced the provision that "land occupiers" are eligible voters. Land occupier is defined as any person, firm, or political subdivision who

holds title or is in possession of any lands within the district whether owner, lessee, renter, tenant or otherwise.

Elections for the year 2000 were conducted under the conservation district statutes. Since then, conflicting legal interpretations have arisen as to whether conservation district elections are to continue under the conservation district statutes or in accordance with the state general election law. Those elections held in the year 2001 were conducted under the general election law in accordance with guidance provided by the Attorney General's Office to the State Conservation Commission. Under the general election law, each participating entity is required to pay a prorated share of the cost of primary and general elections.

Additionally, there is a legal issue of whether the three elected conservation district supervisors are subject to campaign disclosure and personal financing reporting requirements. The supervisors appointed by the state are exempt from public disclosure requirements as are the members of the State Conservation Commission.

Summary of Substitute Bill: The intent of the Legislature in regards to the 1999 amendments is clarified. It is the intent of the Legislature that conservation district elections are to be conducted under procedures contained in the conservation district statutes, and not under the general election laws, and further, that there be no change in the applicability of the public disclosure laws to conservation district supervisors from those that existed prior to the 1999 amendments.

Conservation districts are specifically excluded under the general election statutes. Elections of conservation district supervisors held pursuant to the conservation district laws are not considered a general or special election for the purpose of campaign disclosure or personal financial affairs reporting requirements.

Election of supervisors for the year 2002 are held in the second quarter of the calendar year rather than the first quarter.

A seven-member work group must review conservation district election procedures. The chair is a person with expertise and experience in local elections named by the president of the County Auditors Association. The remaining six members are selected from lists nominated by enumerated organizations by the Speaker of the House of Representatives and the President of the Senate. Progress reports may be requested by legislative committees. A final report is submitted to the Legislature by December 15, 2002. No additional funds are appropriated for the work group or the report. Meetings of the work group are open to the public and the time and location are announced.

Substitute Bill Compared to Original Bill: For year 2002 only, supervisor elections are held in the second quarter of the calendar year instead of the first quarter. A seven-person workgroup is established to review conservation district election procedures and whether campaign financing and personal financial reporting requirements contained in the public disclosure law should apply to elected and appointed conservation district supervisors. The work group may be requested to provide progress reports to legislative committees and is to issue a report by December 15, 2002.

Appropriation: None.

Fiscal Note: Requested on January 22, 2002.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: There is support for the bill if a study group is put together to review issues surrounding supervisor elections. The intent of the 1999 legislation was for conservation districts to continue to conduct elections as they have over the last 50 years and legal interpretations to the contrary are in error. A letter sent to districts by the State Conservation Commission containing instructions to place elections on the general election ballot created costs that conservation districts cannot afford and will force them into bankruptcy. The issue of whether conservation district supervisors should be subject to public disclosure requirements should be addressed in the study.

Testimony Against: The need for a work group to look at election issues and application of public disclosure requirements were expressed.

Testified: George Mahoney, Roget Falter, Clark Conservation District (pro); Linda Johnson, Farm Bureau (pro); Suzanne Sinclair, Island County Auditor, WSACA (neutral); Fred Colvin, Conservation Districts (pro); Rowland Thompson, Allied Daily Newspapers (concerns); Jackie Reid, WSCC (pro); Jay Gordon, WSDF (pro); Jim Zimmerman, WA Cattlemen's Assn. (pro); Fred Colvin, WA Assn. of Conservation Districts (pro).