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ENGROSSED SUBSTITUTE SENATE BILL 5904

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State of Washington

57th Legislature

2001 Regular Session

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

READ FIRST TIME 03/05/01.

1 AN ACT Relating to choosing conservation district supervisors;  
2 amending RCW 89.08.160 and 89.08.020; adding a new section to chapter  
3 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

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

1 (3) Any conservation district choosing to have its elections  
2 governed under this title shall make the choice in time to provide  
3 appropriate prior notice to any affected county auditors.

4 (4) Candidates and conservation district supervisors in districts  
5 that choose to have their elections governed under this title are  
6 subject to chapter 42.17 RCW. Candidates and conservation district  
7 supervisors in districts whose elections are governed under chapter  
8 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

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

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

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

21 (3) The two appointed supervisors shall file with the secretary of  
22 state a sworn application, reciting that a petition was filed with the  
23 commission for the creation of the district; that all required  
24 proceedings were had thereon; that they were appointed by the  
25 commission as such supervisors; and that the application is being filed  
26 to complete the organization of the district. It shall contain the  
27 names and residences of the applicants, a certified copy of their  
28 appointments, the name of the district, the location of the office of  
29 the supervisors and the term of office of each applicant.

30 (4) The application shall be accompanied by a statement of the  
31 commission, reciting that a petition was filed, notice issued, and  
32 hearing held thereon as required; that it determined the need for the  
33 district and defined the boundaries thereof; that notice was given and  
34 an election held on the question of creating the district; that a  
35 majority vote favored the district, and that the commission had  
36 determined the district practicable; and shall set forth the boundaries  
37 of the district.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 89.08 RCW  
2 to read as follows:

3        Instead of providing for the election of supervisors under section  
4 1 of this act or under this chapter, the board of supervisors may adopt  
5 a resolution requesting that the legislative authority in the county or  
6 counties in which the district is located appoint district electors to  
7 serve as elected supervisors on the board.    If requested to appoint  
8 supervisors under this section, the legislative authority shall appoint  
9 persons to serve as elected supervisors as the terms of current elected  
10 supervisors expire.    In making the appointments, the legislative  
11 authority shall ensure that at least two of the elected supervisors are  
12 landowners or operators of farms.    If a district is located in more  
13 than one county, the legislative authority of the counties in which the  
14 district is located shall cooperate to jointly appoint the elected  
15 supervisors.    Conservation district supervisors in districts that  
16 choose to have their supervisors appointed under this section are  
17 exempted from the requirements of chapter 42.17 RCW.

18        **Sec. 4.**    RCW 89.08.020 and 1999 c 305 s 1 are each amended to read  
19 as follows:

20        Unless the context clearly indicates otherwise, as used in this  
21 chapter:

22        (1) "Commission" and "state conservation commission" mean((s)) the  
23 agency created hereunder.    All former references to "state soil and  
24 water conservation committee", "state committee" or "committee" shall  
25 be deemed to be references to the "state conservation commission"((+)).

26        (2) "District", or "conservation district" means a governmental  
27 subdivision of this state and a public body corporate and politic,  
28 organized in accordance with the provisions of chapter 184, Laws of  
29 1973 1st ex. sess., for the purposes, with the powers, and subject to  
30 the restrictions set forth in this chapter.    All districts created  
31 under chapter 184, Laws of 1973 1st ex. sess. shall be known as  
32 conservation districts and shall have all the powers and duties set out  
33 in chapter 184, Laws of 1973 1st ex. sess.    All references in chapter  
34 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water  
35 conservation districts" shall be deemed to be reference to  
36 "conservation districts"((+)).

37        (3) "Board" and "supervisors" mean the board of supervisors of a  
38 conservation district((+)).

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

8       (5) "District elector" or "voter" means a registered voter in the  
9 county where the district is located who resides within the district  
10 boundary or in the area affected by a petition((†)).

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

18       (7) "Renewable natural resources", "natural resources" or  
19 "resources" includes land, air, water, vegetation, fish, wildlife, wild  
20 rivers, wilderness, natural beauty, scenery and open space((†)).

21       (8) "Conservation" includes conservation, development, improvement,  
22 maintenance, preservation, protection and use, and alleviation of  
23 floodwater and sediment damages, and the disposal of excess surface  
24 waters.

25       (9) "Farm and agricultural land" means either (a) land in any  
26 contiguous ownership of twenty or more acres devoted primarily to  
27 agricultural uses; (b) any parcel of land five acres or more but less  
28 than twenty acres devoted primarily to agricultural uses, which has  
29 produced a gross income from agricultural uses equivalent to one  
30 hundred dollars or more per acre per year for three of the five  
31 calendar years preceding the date of application for classification  
32 under this chapter; or (c) any parcel of land of less than five acres  
33 devoted primarily to agricultural uses which has produced a gross  
34 income of one thousand dollars or more per year for three of the five  
35 calendar years preceding the date of application for classification  
36 under this chapter. Agricultural lands shall also include farm  
37 woodlots of less than twenty and more than five acres and the land on  
38 which appurtenances necessary to production, preparation or sale of the  
39 agricultural products exist in conjunction with the lands producing

1 such products. Agricultural lands shall also include any parcel of  
2 land of one to five acres, which is not contiguous, but which otherwise  
3 constitutes an integral part of farming operations being conducted on  
4 land qualifying under this section as "farm and agricultural lands".

5 (10) "Elected supervisor" means a member of the board of  
6 supervisors who is not appointed by the conservation commission and who  
7 is either (a) elected under section 1 of this act or under this  
8 chapter, or (b) appointed under section 3 of this act.

9 NEW SECTION. Sec. 5. This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

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