

# HOUSE BILL REPORT

## EHB 2140

---

---

### As Amended by the Senate

**Title:** An act relating to reaffirming the role of the state conservation commission.

**Brief Description:** Reaffirming the role of the state conservation commission.

**Sponsors:** By Representatives Grant and Linville.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/4/03 [DP];

Appropriations: 3/8/03 [DP].

**Floor Activity:**

Passed House: 3/17/03, 98-0.

Senate Amended.

Passed Senate: 4/9/03, 47-0.

### Brief Summary of Engrossed Bill

- Moves statutes relating to the establishment and operation of the Conservation Commission (Commission) from the conservation districts statutes to the statutory title related to state agencies.
- Adds requirements regarding the operation and duties of the Commission.
- Adds reporting requirements by conservation districts to the Commission.
- Includes numerous technical revisions.

---

### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

**Minority Report:** Do not pass. Signed by 1 member: Representative Chandler.

**Staff:** Caroleen Dineen (786-7156).

---

## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Conway, Cox, DeBolt, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke, Sump and Talcott.

**Staff:** Patricia Linehan (786-7178).

### **Background:**

The Conservation Commission (Commission) is a state agency created in 1939. The Commission's duties include assisting and guiding conservation districts in preparing and implementing resource conservation programs. The Commission provides informational and technical assistance to conservation districts throughout Washington. The Commission also recommends and administers funding, distributes funds to conservation districts, and reviews conservation district budgets and annual reports. In addition, the Commission appoints two of the five supervisors on each conservation district's board of supervisors.

The Commission is governed by a 10-member board. The Governor appoints two members, one of whom must be a land owner or farm operator, who serve four-year terms. Of the three Commission board members elected by the conservation district supervisors, at least two must be land owners or farm operators. The elected members serve three-year terms. The other five members serve (directly or through appointees) as ex-officio members of the Commission: (1) the Director of the Department of Ecology; (2) the Director of the Department of Agriculture; (3) the Commissioner of Public Lands; (4) the President of the Washington Association of Conservation Districts; and (5) the Dean of the College of Agriculture at Washington State University.

The Governor's proposed budget for the 2003-2005 biennium proposes eliminating the Commission and consolidating its functions into the Washington State Department of Agriculture.

### **Summary of Engrossed Bill:**

Statutes relating to the establishment and operation of the Conservation Commission (Commission) are moved from the conservation districts statutes (chapter 89.08 RCW) to the general statutory title related to state agencies (Title 43 RCW). Numerous technical revisions, including reorganizing statutory sections and subsections and revising language in existing provisions, are made to these statutes and to the conservation district statutes as they relate to the Commission.

Several changes related to operation and duties of the Commission are included. The Office of Financial Management (rather than the Department of Ecology) is authorized to pay travel expenses for Commission members. The Commission is required to establish procedures for making the determination whether a district is warranted and practicable. The Commission also is required to designate the term for which each elected conservation district supervisor is to serve when the conservation district is divided into zones for purposes of elections. Further, upon request of the Legislature the Commission must provide a report regarding grants made to conservation districts.

Provisions are added regarding reporting by conservation districts to the Commission. The conservation districts must submit to the Commission the name of any person other than the county treasurer who is selected to serve as district treasurer. The district supervisors also are required to inform the Commission of its designation of any area, state, or national association of conservation districts as a coordinating agency. Further, when a conservation district is dissolved, the district supervisors must file with the Commission a copy of the dissolution application that is submitted to the Secretary of State. In addition, districts must submit to the Commission their lists of best management practices for habitat improvement and water quality and quantity enhancement projects. Finally, conservation districts must file with the Commission a copy of the proposed system of assessments that is filed with the county legislative authority.

Legislative intent provisions regarding watershed restoration projects are amended to reference the participation of the Commission and conservation districts in these efforts.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment increases the number of members on the Conservation Commission from 10 to 12, adding one member appointed by a livestock trade organization and one member who is a crop producer appointed by a statewide organization representing the interests of a wide range of farming operations. The Senate amendment specifies these additional members are to be confirmed by the conservation district supervisors at their annual meeting and are to serve a term of four years. The Senate amendment also makes some technical revisions to the provisions regarding Commission membership. In addition, the Senate amendment reinstates some references in current law to land owner or farm operator qualifications for appointed and elected Commission members and makes technical revisions in the statute relating to creation of conservation districts.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (Agriculture & Natural Resources) This bill recognizes the importance of maintaining the independence of the Conservation Commission (Commission) and the conservation districts. The Commission is a neutral third party that works with communities and conservation districts in setting policies. The Commission is the only state government entity focused on natural resources that is not a regulatory entity. Moving the functions of the Commission to a regulatory agency would cause a loss of trust among the land owners and may cause a loss of federal funding because of the alliance with a cabinet agency. The savings in the Governor's budget proposal is minimal and does not justify the loss of independence for the Commission.

(Comments) The Commission needs some changes in composition. At least three production agriculture members should be added to the Commission to address the severe disconnect between the agricultural groups and the Commission.

**Testimony For:** (Appropriations) The independent role of the State Conservation Commission is strongly supported. They are seen as a truly neutral third party when working on conservation issues. This is a very important piece of legislation. The conservation districts work with farmers to implement state and federal programs "on the ground" and it is successful because of the neutrality of the Commission.

**Testimony Against:** (Agriculture & Natural Resources) None.

**Testimony Against:** (Appropriations) None.

**Testified:** (Agriculture & Natural Resources) (In support) Richard Baden and Jim Armstrong, Spokane Conservation District; Jim Peters, Washington Conservation Commission; and Jim Jesernig, Washington Association of Conservation Districts.

(Pro with comments) Chris Cheney, Washington Cattlemen's Association; and Jay Gordon, Washington Dairy Federation.

**Testified:** (Appropriations) Hertha Lund, Washington Farm Bureau; and Jim Jessernig, Washington Association of Conservation Districts.