
SUBSTITUTE HOUSE BILL 2140

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Grant and Linville)

READ FIRST TIME 02/02/04.

1 AN ACT Relating to reaffirming the role of the state conservation
2 commission; amending RCW 89.08.030, 89.08.040, 89.08.050, 89.08.060,
3 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490,
4 89.08.500, 89.08.510, 89.08.520, 89.08.530, 89.08.540, 89.08.010,
5 89.08.020, 89.08.080, 89.08.090, 89.08.100, 89.08.110, 89.08.120,
6 89.08.130, 89.08.140, 89.08.150, 89.08.160, 89.08.170, 89.08.180,
7 89.08.185, 89.08.190, 89.08.200, 89.08.210, 89.08.215, 89.08.220,
8 89.08.341, 89.08.350, 89.08.360, 89.08.370, 89.08.390, 89.08.391,
9 89.08.400, 89.08.410, 35.63.230, 35A.63.250, 36.70.992, 36.70A.460,
10 43.21C.0382, 43.30.480, 77.55.210, 90.48.430, 90.58.515, and 90.71.020;
11 adding new sections to chapter 89.08 RCW; adding a new chapter to Title
12 43 RCW; creating a new section; and recodifying RCW 89.08.030,
13 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460,
14 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520,
15 89.08.530, and 89.08.540.

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

17 NEW SECTION. **Sec. 1.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Commission" means the Washington state conservation commission
2 created in section 2 of this act.

3 (2) "District" or "conservation district" means a governmental
4 subdivision of this state created according to chapter 89.08 RCW.

5 (3) "Board" and "supervisors" mean the board of supervisors of a
6 conservation district.

7 (4) "Land occupier" or "occupier of land" has the same meaning as
8 in RCW 89.08.020.

9 (5) "District elector" or "voter" has the same meaning as in RCW
10 89.08.020.

11 (6) "Renewable natural resources," "natural resources," or
12 "resources" has the same meaning as in RCW 89.08.020.

13 (7) "Conservation" has the same meaning as in RCW 89.08.020.

14 (8) "Farm and agricultural land" has the same meaning as in RCW
15 89.08.020.

16 **Sec. 2.** RCW 89.08.030 and 1987 c 180 s 1 are each amended to read
17 as follows:

18 (1) There is hereby established to serve as an agency of the state
19 ((and)) the state conservation commission. The commission is
20 authorized to perform the functions conferred upon it by law((7)). The
21 ((state conservation)) commission((, which)) shall succeed to all
22 powers, duties and property of the state soil and water conservation
23 committee.

24 (2) The commission shall consist of ten members, five of whom are
25 ex officio. Two members shall be appointed by the governor((, one of
26 whom shall be a landowner or operator of a farm. At least two of the
27 three elected members shall be landowners or operators of a farm and
28 shall be elected as herein provided)). Three members shall be elected
29 as provided in subsection (4) of this section.

30 (3) At least one of the appointed members shall be a landowner or
31 operator of a farm. The appointed members shall serve for a term of
32 four years.

33 (4) At least two of the three elected members shall be landowners
34 or operators of a farm. The three elected members shall be elected for
35 three-year terms, with one ((shall be)) elected each year by the
36 district supervisors at their annual statewide meeting. One of the
37 members shall reside in eastern Washington, one in central Washington

1 and one in western Washington, with the specific boundaries to be
2 determined by district supervisors. (~~At the first such election, the~~
3 ~~term of the member from western Washington shall be one year, central~~
4 ~~Washington two years and eastern Washington three years, and successors~~
5 ~~shall be elected for three years.~~)

6 (5) Unexpired term vacancies in the office of appointed commission
7 members shall be filled by appointment by the governor in the same
8 manner as full-term appointments. Unexpired terms of elected
9 commission members shall be filled by the regional vice president of
10 the Washington association of conservation districts who is serving
11 that part of the state where the vacancy occurs, (~~such~~) for a term to
12 continue only until district supervisors can fill the unexpired term by
13 electing the commission member.

14 (6) The director of the department of ecology, the director of the
15 department of agriculture, the commissioner of public lands, the
16 president of the Washington association of conservation districts, and
17 the dean of the college of agriculture at Washington State University
18 shall be ex officio members of the commission. An ex officio member of
19 the commission shall hold office so long as he or she retains the
20 office by virtue of which he or she is a member of the commission. Ex
21 officio members may delegate their authority.

22 (7) The commission may invite appropriate officers of cooperating
23 organizations(~~(7)~~) and state and federal agencies to serve as advisers
24 to the conservation commission.

25 **Sec. 3.** RCW 89.08.040 and 1984 c 287 s 112 are each amended to
26 read as follows:

27 (1) Members of the commission shall be compensated in accordance
28 with RCW 43.03.240 and shall be entitled to travel expenses in
29 accordance with RCW 43.03.050 and 43.03.060 incurred in the discharge
30 of their duties.

31 (2) The commission shall keep a record of its official actions,
32 shall adopt a seal, which shall be judicially noticed, and may perform
33 such acts, hold such public hearings, and promulgate such rules and
34 regulations as may be necessary for the execution of its functions
35 under this chapter (~~184, Laws of 1973 1st ex. sess~~).

36 (3) The state department of ecology is empowered to pay the travel
37 expenses of the elected and appointed members of the (~~state~~

1 ~~conservation~~) commission, and the salaries, wages and other expenses
2 of such administrative officers or other employees as may be required
3 under the provisions of this chapter.

4 **Sec. 4.** RCW 89.08.050 and 1973 1st ex.s. c 184 s 6 are each
5 amended to read as follows:

6 (1) The commission may employ an administrative officer(~~(7)~~) and
7 such temporary or permanent technical experts and (~~such~~) other agents
8 and employees(~~(7, permanent and temporary)~~) as it may require(~~(7, and)~~).
9 The commission shall determine (~~their~~) the qualifications, duties,
10 and compensation of its administrative officer, technical experts,
11 agents, and employees. The commission may call upon the attorney
12 general for (~~such~~) legal services as it may require.

13 (~~It~~) (2) The commission shall have authority to delegate to its
14 chairman, to one or more of its members, to one or more agents or
15 employees such duties and powers as it deems proper. (~~It~~)

16 (3) The commission shall be supplied with suitable office
17 accommodations at the central office of the department of ecology, and
18 shall be furnished the necessary supplies and equipment.

19 (4) The commission shall organize annually and select a chairman
20 from among its members, who shall serve for one year from the date of
21 his or her selection.

22 (5) A majority of the commission shall constitute a quorum (~~and~~).
23 All actions of the commission shall be by a majority vote of the
24 members present and voting at a meeting at which a quorum is present.

25 **Sec. 5.** RCW 89.08.060 and 1973 1st ex.s. c 184 s 7 are each
26 amended to read as follows:

27 Upon request of the commission, for the purpose of carrying out any
28 of (~~its~~) the commission's functions, the supervising officer of any
29 state agency or state institution of learning may, insofar as may be
30 possible under available appropriations and having due regard to the
31 needs of the agency to which the request is directed, assign or detail
32 to the commission, members of the staff or personnel of such agency or
33 institution of learning, and make such special reports, surveys, or
34 studies as the commission may request.

1 **Sec. 6.** RCW 89.08.070 and 1973 1st ex.s. c 184 s 8 are each
2 amended to read as follows:

3 ~~((In addition to the duties and powers hereinafter conferred upon))~~
4 The commission~~((, it))~~ shall have the ~~((following duties and powers))~~
5 duty and power to:

6 ~~((1) ((To))~~ Offer such assistance as may be appropriate to the
7 supervisors of conservation districts ~~((organized under the provisions~~
8 ~~of chapter 184, Laws of 1973 1st ex. sess., in the carrying))~~ to carry
9 out ~~((of))~~ any of their powers and programs~~((+))~~;

10 ~~((+a) to))~~ (2) Assist and guide districts in the preparation and
11 carrying out of programs for resource conservation authorized under
12 this chapter ~~((184, Laws of 1973 1st ex. sess.))~~;

13 ~~((+b) to))~~ (3) Review district programs;

14 ~~((+c) to))~~ (4) Coordinate the programs of the several districts and
15 resolve any conflicts in such programs;

16 ~~((+d) to))~~ (5) Facilitate, promote, assist, harmonize, coordinate,
17 and guide the resource conservation programs and activities of
18 districts as they relate to other special purpose districts, counties,
19 and other public agencies~~((-))~~;

20 ~~((+2) To))~~ (6) Keep the supervisors of each of the several
21 conservation districts ~~((organized under the provisions of chapter 184,~~
22 ~~Laws of 1973 1st ex. sess.))~~ informed of the activities and experience
23 of all other districts ~~((organized hereunder))~~, and ~~((to))~~ facilitate
24 an interchange of advice and experience ~~((between such))~~ among
25 districts and cooperation ~~((between))~~ among them~~((-))~~;

26 ~~((+3) To))~~ (7) Review agreements, or forms of agreements, proposed
27 to be entered into by districts with other districts or with any state,
28 federal, interstate, or other public or private agency, organization,
29 or individual, and advise the districts concerning such agreements or
30 forms of agreements~~((-))~~;

31 ~~((+4) To))~~ (8) Secure the cooperation and assistance of the United
32 States and any of its agencies, and of agencies of this state in the
33 work of such districts~~((-))~~;

34 ~~((+5) To))~~ (9) Recommend the inclusion in annual and longer term
35 budgets and appropriation legislation of the state of Washington of
36 funds necessary for appropriation by the legislature to finance the
37 activities of the commission and the conservation districts; ~~((to))~~
38 administer the provisions of any law ~~((hereinafter))~~ enacted by the

1 legislature appropriating funds for expenditure in connection with the
2 activities of conservation districts; ~~((tθ))~~ distribute to conservation
3 districts funds, equipment, supplies and services received by the
4 commission for that purpose from any source, subject to ~~((such))~~ any
5 applicable conditions ~~((as shall be made applicable thereto))~~ in any
6 state or federal statute or local ordinance making available such
7 funds, property or services; ~~((tθ))~~ issue regulations establishing
8 guidelines and suitable controls to govern the use by conservation
9 districts of such funds, property and services; and ~~((tθ))~~ review all
10 budgets, administrative procedures and operations of such districts and
11 advise the districts concerning their conformance with applicable laws
12 and regulations~~((τ))~~;

13 ~~((+6) Tθ))~~ (10) Encourage the cooperation and collaboration of
14 state, federal, regional, interstate and local public and private
15 agencies with the conservation districts~~((τ))~~ and facilitate
16 arrangements under which the conservation districts may serve county
17 governing bodies and other agencies as their local operating agencies
18 in the administration of any activity concerned with the conservation
19 of renewable natural resources~~((τ))~~;

20 ~~((+7) Tθ))~~ (11) Disseminate information throughout the state
21 concerning the activities and programs of the conservation districts
22 ~~((organized hereunder, and tθ))~~ encourage the formation of such
23 districts in areas ~~((where))~~ in which their organization is desirable;
24 ~~((tθ))~~ and make available information concerning the needs and the work
25 of the conservation districts and the commission to the governor, the
26 legislature, executive agencies of the government of this state,
27 political subdivisions of this state, cooperating federal agencies, and
28 the general public~~((τ))~~;

29 ~~((+8))~~ (12) Receive, pursuant to procedures developed mutually by
30 the commission and other state and local agencies ~~((that are))~~
31 authorized to plan or administer activities significantly affecting the
32 conservation of renewable natural resources, ~~((tθ receive))~~ from such
33 agencies for review and comment suitable descriptions of their plans,
34 programs and activities for purposes of coordination with district
35 conservation programs; ~~((tθ))~~ and arrange for and participate in
36 conferences necessary to avoid conflict among such plans and programs,
37 to call attention to omissions, and to avoid duplication of
38 effort~~((τ))~~;

1 (~~(9)~~) (13) Compile information and make studies, summaries and
2 analysis of district programs in relation to each other and to other
3 resource conservation programs on a statewide basis(~~(-)~~);

4 (~~(10)~~) (14) Assist conservation districts in obtaining legal
5 services from state and local legal officers(~~(-)~~);

6 (~~(11)~~) (15) Require annual reports from conservation
7 districts, the form and content of which shall be developed by the
8 commission(~~(-)~~); and

9 (~~(12)~~) (16) Establish by regulations, with the assistance and
10 advice of the state auditor's office, adequate and reasonably uniform
11 accounting and auditing procedures (~~(which shall)~~) that must be used by
12 conservation districts.

13 **Sec. 7.** RCW 89.08.450 and 1995 c 378 s 1 are each amended to read
14 as follows:

15 The legislature declares that it is the goal of the state of
16 Washington to preserve and restore the natural resources of the state
17 and, in particular, fish and wildlife and their habitat. It is further
18 the policy of the state insofar as possible to utilize the commission
19 and conservation districts in these efforts and the volunteer
20 organizations who have demonstrated their commitment to these goals.

21 To this end, it is the intent of the legislature to minimize the
22 expense and delays caused by unnecessary bureaucratic process in
23 securing permits for projects that preserve or restore native fish and
24 wildlife habitat.

25 **Sec. 8.** RCW 89.08.460 and 1995 c 378 s 2 are each amended to read
26 as follows:

27 The definitions in this section apply throughout RCW 89.08.460
28 through 89.08.510 (as recodified by this act) unless the context
29 clearly requires otherwise(~~(, the definitions in this section shall~~
30 apply throughout RCW 89.08.450 through 89.08.510)).

31 (1) "Watershed restoration plan" means a plan, developed or
32 sponsored by the department of fish and wildlife, the department of
33 ecology, the department of natural resources, the department of
34 transportation, a federally recognized Indian tribe acting within and
35 pursuant to its authority, a city, a county, or a conservation
36 district, that provides a general program and implementation measures

1 or actions for the preservation, restoration, re-creation, or
2 enhancement of the natural resources, character, and ecology of a
3 stream, stream segment, drainage area, or watershed, and for which
4 agency and public review has been conducted pursuant to chapter 43.21C
5 RCW, the state environmental policy act. If the implementation
6 measures or actions would have a probable significant, adverse
7 environmental impact, a detailed statement under RCW 43.21C.031 must be
8 prepared on the plan.

9 (2) "Watershed restoration project" means a public or private
10 project authorized by the sponsor of a watershed restoration plan that
11 implements the plan or a part of the plan and consists of one or more
12 of the following activities:

13 (a) A project that involves (~~less~~) fewer than ten miles of
14 streamreach, in which (~~less~~) fewer than twenty-five cubic yards of
15 sand, gravel, or soil is removed, imported, disturbed, or discharged,
16 and in which no existing vegetation is removed except as minimally
17 necessary to facilitate additional plantings;

18 (b) A project for the restoration of an eroded or unstable stream
19 bank that employs the principles of bioengineering, including limited
20 use of rock as a stabilization only at the toe of the bank, and with
21 primary emphasis on using native vegetation to control the erosive
22 forces of flowing water; or

23 (c) A project primarily designed to improve fish and wildlife
24 habitat, remove or reduce impediments to migration of fish, or enhance
25 the fishery resource available for use by all of the citizens of the
26 state, provided that any structure other than a bridge or culvert or
27 instream habitat enhancement structure associated with the project is
28 (~~less~~) fewer than two hundred square feet in floor area and is
29 located above the ordinary high water mark of the stream.

30 **Sec. 9.** RCW 89.08.470 and 2003 c 39 s 47 are each amended to read
31 as follows:

32 (1) (~~By January 1, 1996,~~) The (~~Washington conservation~~)
33 commission shall develop, in consultation with other state agencies,
34 tribes, and local governments, a consolidated application process for
35 permits for a watershed restoration project developed by an agency or
36 sponsored by an agency on behalf of a volunteer organization. The
37 consolidated process shall include a single permit application form for

1 use by all responsible state and local agencies. The commission shall
2 encourage use of the consolidated permit application process by any
3 federal agency responsible for issuance of related permits. The permit
4 application forms to be consolidated shall include, at a minimum,
5 applications for: (a) Approvals related to water quality standards
6 under chapter 90.48 RCW; (b) hydraulic project approvals under chapter
7 77.55 RCW; and (c) section 401 water quality certifications under 33
8 U.S.C. Sec. 1341 and chapter 90.48 RCW.

9 (2) If a watershed restoration project is also a fish habitat
10 enhancement project that meets the criteria of RCW 77.55.290(1), the
11 project sponsor shall instead follow the permit review and approval
12 process established in RCW 77.55.290 with regard to state and local
13 government permitting requirements. The sponsor shall ~~((se))~~ notify
14 state and local permitting authorities.

15 **Sec. 10.** RCW 89.08.480 and 1995 c 378 s 4 are each amended to read
16 as follows:

17 Each agency of the state and unit of local government that claims
18 jurisdiction or the right to require permits, other approvals, or fees
19 as a condition of allowing a watershed restoration project to proceed
20 shall:

21 (1) Designate an office or official as a designated recipient of
22 project applications; and ~~((shall))~~

23 (2) Inform the ~~((conservation))~~ commission of the designation.

24 **Sec. 11.** RCW 89.08.490 and 1995 c 378 s 5 are each amended to read
25 as follows:

26 All agencies of the state and local governments shall accept the
27 single application developed under RCW 89.08.470 (as recodified by this
28 act). Unless the procedures under RCW 89.08.500 (as recodified by this
29 act) are invoked, the application shall be processed without charge and
30 permit decisions shall be issued within forty-five days of the receipt
31 of a complete application.

32 **Sec. 12.** RCW 89.08.500 and 1995 c 378 s 6 are each amended to read
33 as follows:

34 The applicant or any state agency, tribe, or local government with
35 permit processing responsibility may request that the ~~((permit))~~ office

1 of regulatory assistance (~~((center))~~) created (~~((by chapter 347, Laws of~~
2 ~~1995))~~) in chapter 43.42 RCW appoint a project facilitator to develop in
3 consultation with the applicant and permit agencies a coordinated
4 process for permit decisions on the application. The process may
5 incorporate procedures for coordinating state permits under (~~(chapter~~
6 ~~347, Laws of 1995))~~) chapter 43.42 RCW. The (~~((center))~~) office shall
7 adopt a target of completing permit decisions within forty-five days of
8 receipt of a complete application.

9 (~~(If House Bill No. 1724 is not enacted by June 30, 1995, this~~
10 ~~section shall be null and void.)~~)

11 **Sec. 13.** RCW 89.08.510 and 1995 c 378 s 7 are each amended to read
12 as follows:

13 State agencies, tribes, and local governments responsible for
14 permits or other approvals of watershed restoration projects as defined
15 in RCW 89.08.460 (as recodified by this act) may develop general
16 permits or permits by rule to address some or all projects required by
17 an approved watershed restoration plan, or for types of watershed
18 restoration projects. Nothing in this chapter (~~((378, Laws of 1995))~~)
19 precludes local governments, state agencies, and tribes from working
20 out other cooperative permitting agreements outside the procedures of
21 this chapter (~~((378, Laws of 1995))~~).

22 **Sec. 14.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read
23 as follows:

24 (1) In administering grant programs to improve water quality and
25 protect habitat, the commission shall require grant recipients to
26 incorporate the environmental benefits of the project into their grant
27 applications(~~(, and)~~). The commission shall utilize the statement of
28 environmental (~~((benefit[s]))~~) benefits in its grant prioritization and
29 selection process.

30 (2) The commission shall also develop appropriate outcome-focused
31 performance measures to be used both for management and performance
32 assessment of the grant program. The commission shall work with the
33 districts to develop uniform performance measures across participating
34 districts.

35 (3) To the extent possible, the commission should coordinate its

1 performance measure system with other natural resource-related agencies
2 as defined in RCW 43.41.270.

3 (4) The commission shall consult with affected interest groups in
4 implementing this section.

5 **Sec. 15.** RCW 89.08.530 and 2002 c 280 s 2 are each amended to read
6 as follows:

7 (1) The agricultural conservation easements program is created.
8 The ((~~state conservation~~)) commission shall manage the program and
9 adopt rules as necessary to implement the legislature's intent.

10 (2) The commission shall report to the legislature on an on-going
11 basis regarding potential funding sources for the purchase of
12 agricultural conservation easements under the program and recommend
13 changes to existing funding authorized by the legislature.

14 (3) All funding for the program shall be deposited into the
15 agricultural conservation easements account created in RCW 89.08.540
16 (as recodified by this act). Expenditures from the account shall be
17 made to local governments and private nonprofits on a match or no match
18 required basis at the discretion of the commission.

19 (4) Easements purchased with money from the agricultural
20 conservation easements account run with the land.

21 **Sec. 16.** RCW 89.08.540 and 2002 c 280 s 3 are each amended to read
22 as follows:

23 (1) The agricultural conservation easements account is created in
24 the custody of the state treasurer. All receipts from legislative
25 appropriations, other sources as directed by the legislature, and
26 gifts, grants, or endowments from public or private sources must be
27 deposited into the account. Expenditures from the account may be used
28 only for the purchase of easements under the agricultural conservation
29 easements program. Only the ((~~state conservation~~)) commission, or the
30 executive director of the commission on the commission's behalf, may
31 authorize expenditures from the account. The account is subject to
32 allotment procedures under chapter 43.88 RCW, but an appropriation is
33 not required for expenditures.

34 (2) The commission is authorized to receive and expend gifts,
35 grants, or endowments from public or private sources that are made

1 available, in trust or otherwise, for the use and benefit of the
2 agricultural conservation easements program.

3 **Sec. 17.** RCW 89.08.010 and 1973 1st ex.s. c 184 s 2 are each
4 amended to read as follows:

5 ~~((It is hereby declared, as a matter of legislative determination))~~
6 The legislature finds that:

7 (1) ~~((That))~~ The lands of the state of Washington are among the
8 basic assets of the state, and ~~((that))~~ the preservation of these lands
9 is necessary to protect and promote the health, safety, and general
10 welfare of its people; ~~((that))~~

11 (2) Improper land-use practices have caused and have contributed
12 to, and are now causing and contributing to, a progressively more
13 serious erosion of the lands of this state by wind and water; ~~((that))~~

14 (3) The breaking of natural grass, plant, and forest cover have
15 interfered with the natural factors of soil stabilization, causing
16 loosening of soil and exhaustion of humus, and developing a soil
17 condition that favors erosion; ~~((that))~~

18 (4) The topsoil is being blown and washed off of lands ~~((; that))~~
19 and there has been an accelerated washing of sloping lands; ~~((that))~~

20 (5) These processes of erosion by wind and water speed up with
21 removal of absorptive topsoil, causing exposure of less absorptive and
22 less protective but more erosive subsoil; ~~((that))~~

23 (6) Failure by any land occupier to conserve the soil and control
24 erosion upon his or her lands may cause a washing and blowing of soil
25 from his or her lands onto other lands and makes the conservation of
26 soil and control of erosion on such other lands difficult or
27 impossible ~~((, and that))~~;

28 (7) Extensive denuding of land for development creates critical
29 erosion areas that are difficult to effectively regenerate, and the
30 resulting sediment causes extensive pollution of streams, ponds, lakes,
31 and other waters ~~((;))~~;

32 ~~((2) That))~~ (8) The consequences of ~~((such))~~ soil erosion in the
33 form of soil blowing and soil washing are the:

34 (a) Silting and sedimentation of stream channels, reservoirs, dams,
35 ditches, and harbors, and loading of the air with soil particles;
36 ~~((the))~~

37 (b) Loss of fertile soil material in dust storms; ~~((the))~~

1 (c) Piling up of soil on lower slopes and its deposit over alluvial
2 plains; ~~((the))~~

3 (d) Reduction in productivity or outright ruin of rich bottom lands
4 by overwash of poor subsoil material, sand, and gravel swept out of the
5 hills;

6 (e) Deterioration of soil and its fertility, deterioration of crops
7 grown thereon, and declining acre yields despite development of
8 scientific processes for increasing such yields;

9 (f) Loss of soil and water which causes destruction of food and
10 cover for wildlife; ~~((a))~~

11 (g) Blowing and washing of soil into streams, which silts over
12 spawning beds~~((τ))~~ and destroys water plants, diminishing the food
13 supply of fish; ~~((a))~~

14 (h) Diminishing of the underground water reserve, which causes
15 water shortages, intensifies periods of drought, and causes crop
16 failures; ~~((an))~~

17 (i) Increase in the speed and volume of rainfall run-off, causing
18 severe and increasing floods, which bring suffering, disease, and
19 death; and

20 (j) Impoverishment of families attempting to farm eroding and
21 eroded lands; damage to roads, highways, railways, buildings, and other
22 property from floods and from dust storms; and losses in navigation,
23 hydroelectric power, municipal water supply, irrigation developments,
24 farming and grazing~~((τ))~~;

25 ~~((3) That))~~ (9) To conserve soil resources and control and prevent
26 soil erosion and prevent flood water and sediment damages, and further
27 agricultural and nonagricultural phases of the conservation,
28 development, utilization, and disposal of water, it is necessary that
29 land-use practices contributing to soil wastage and soil erosion be
30 discouraged and discontinued~~((τ))~~ and that appropriate soil-conserving
31 land-use practices, and works of improvement for flood prevention of
32 agricultural and nonagricultural phases of the conservation,
33 development, utilization, and disposal of water be adopted and
34 ~~((carried out))~~ implemented; ~~((that))~~ and

35 (10) Among the procedures necessary for widespread adoption~~((τ))~~
36 are the:

37 (a) Carrying on of engineering operations ~~((such as))~~ including but

1 not limited to the construction of terraces, terrace outlets, check-
2 dams, desilting basins, flood water retarding structures, channel
3 floodways, dikes, ponds, and ditches(~~(, and the like)~~); ~~((the))~~

4 (b) Utilization of strip cropping, contour cultivating, and contour
5 furrowing;

6 (c) Land irrigation;

7 (d) Seeding and planting of waste, sloping, abandoned, or eroded
8 lands to water-conserving and erosion-preventing plants, trees, and
9 grasses;

10 (e) Forestation and reforestation;

11 (f) Rotation of crops;

12 (g) Soil stabilizations with trees, grasses, legumes, and other
13 thick-growing, soil-holding crops, retardation of run-off by increasing
14 absorption of rainfall; and

15 (h) Retirement from cultivation of steep, highly erosive areas and
16 areas now badly gullied or otherwise eroded.

17 ~~((4) Whereas, there is a pressing need for the conservation of
18 renewable resources in all areas of the state, whether urban, suburban,
19 or rural, and that the benefits of resource practices, programs, and
20 projects, as carried out by the state conservation commission and by
21 the conservation districts, should be available to all such areas;
22 therefore, it is hereby declared to be the policy of the legislature to
23 provide for the conservation of the renewable resources of this state,
24 and for the control and prevention of soil erosion, and for the
25 prevention of flood water and sediment damages, and for furthering
26 agricultural and nonagricultural phases of conservation, development,
27 utilization, and disposal of water, and thereby to preserve natural
28 resources, control floods, prevent impairment of dams and reservoirs,
29 assist in maintaining the navigability of rivers and harbors, preserve
30 wildlife, protect the tax base, protect public lands, and protect and
31 promote the health, safety, and general welfare of the people of this
32 state. To this end all incorporated cities and towns heretofore
33 excluded from the boundaries of a conservation district established
34 pursuant to the provisions of the state conservation district law, as
35 amended, may be approved by the conservation commission as being
36 included in and deemed a part of the district upon receiving a petition
37 for annexation signed by the governing authority of the city or town~~

1 ~~and the conservation district within the exterior boundaries of which~~
2 ~~it lies in whole or in part or to which it lies closest.))~~

3 NEW SECTION. **Sec. 18.** A new section is added to chapter 89.08 RCW
4 to read as follows:

5 (1) The legislature finds that there is a pressing need for the
6 conservation of renewable resources in all areas of the state, whether
7 urban, suburban, or rural. The legislature also finds that the
8 benefits of resource practices, programs, and projects, as carried out
9 by the commission and by the conservation districts, should be
10 available to all such areas. Therefore, the legislature declares it is
11 the policy of the state to provide for the:

- 12 (a) Conservation of the renewable resources of this state;
- 13 (b) Control and prevention of soil erosion;
- 14 (c) Prevention of flood water and sediment damages; and
- 15 (d) Furthering of agricultural and nonagricultural phases of
16 conservation, development, utilization, and disposal of water.

17 (2) The legislature further declares that providing for the
18 objectives identified in subsection (1) of this section will enhance
19 the state's ability to:

- 20 (a) Preserve natural resources;
- 21 (b) Control floods;
- 22 (c) Prevent impairment of dams and reservoirs;
- 23 (d) Assist in maintaining the navigability of rivers and harbors;
- 24 (e) Preserve wildlife;
- 25 (f) Protect the tax base and public lands; and
- 26 (g) Promote the health, safety, and general welfare of the people
27 of this state.

28 NEW SECTION. **Sec. 19.** A new section is added to chapter 89.08 RCW
29 to read as follows:

30 All incorporated cities and towns previously excluded from the
31 boundaries of a conservation district may be approved by the commission
32 as being included in and deemed a part of the district upon receiving
33 a petition for annexation signed by the governing authority of the city
34 or town and the conservation district within the exterior boundaries of
35 which it lies in whole or in part or to which it lies closest.

1 **Sec. 20.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly (~~indicates~~) requires otherwise(~~(, as used~~
5 in this chapter:)).

6 (1) "Agricultural lands" includes the lands defined as "farm and
7 agricultural lands" in subsection (7) of this section and any of the
8 following lands:

9 (a) Farm woodlots fewer than twenty and more than five acres and
10 the land on which appurtenances necessary to production, preparation,
11 or sale of the agricultural products exist in conjunction with the
12 lands producing such products; and

13 (b) Any parcel of land of one to five acres, which is not
14 contiguous, but which otherwise constitutes an integral part of farming
15 operations being conducted on land meeting the definition of either
16 "agricultural lands" or "farm and agricultural lands" under this
17 section.

18 (2) "Board" and "supervisors" mean the board of supervisors of a
19 conservation district.

20 (3) "Commission" (~~and "state conservation commission"~~) means the
21 (~~agency created hereunder. All former references to "state soil and~~
22 ~~water conservation committee", "state committee" or "committee" shall~~
23 ~~be deemed to be references to the "state conservation commission";~~)
24 Washington state conservation commission created in section 2 of this
25 act.

26 (4) "Conservation" includes conservation, development, improvement,
27 maintenance, preservation, protection and use, and alleviation of flood
28 water and sediment damages, and the disposal of excess surface waters.

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

1 ~~"districts", or "soil and water conservation districts" shall be deemed~~
2 ~~to be reference to "conservation districts";~~

3 ~~"Board" and "supervisors" mean the board of supervisors of a~~
4 ~~conservation district;))~~.

5 (6) "District elector" or "voter" means a registered voter in the
6 county in which the district is located who resides within the district
7 boundary or in the area affected by a petition.

8 (7) "Farm and agricultural land" includes the lands defined as
9 "agricultural lands" in subsection (1) of this section and any of the
10 following lands:

11 (a) Land in any contiguous ownership of twenty or more acres
12 devoted primarily to agricultural uses;

13 (b) Any parcel of land five acres or more but fewer than twenty
14 acres devoted primarily to agricultural uses, which has produced a
15 gross income from agricultural uses equivalent to one hundred dollars
16 or more per acre per year for three of the five calendar years
17 preceding the date of application for classification under this
18 chapter; or

19 (c) Any parcel of land fewer than five acres devoted primarily to
20 agricultural uses that has produced a gross income of one thousand
21 dollars or more per year for three of the five calendar years preceding
22 the date of application for classification under this chapter.

23 (8) "Land occupier" or "occupier of land" includes any person,
24 firm, political subdivision, government agency, municipality, public or
25 private corporation, copartnership, association, or any other entity
26 whatsoever ((which)) that holds title to, or is in possession of, any
27 lands lying within a district organized under the provisions of this
28 chapter ((184, Laws of 1973 1st ex. sess.)), whether as owner, lessee,
29 renter, tenant, or otherwise((;)).

30 ~~(("District elector" or "voter" means a registered voter in the~~
31 ~~county where the district is located who resides within the district~~
32 ~~boundary or in the area affected by a petition;~~

33 ~~"Due"))~~ (9) "Notice" means a notice published at least twice, with
34 at least six days between publications, in a publication of general
35 circulation within the affected area, or if there is no such
36 publication, by posting at a reasonable number of public places within
37 the area, where it is customary to post notices concerning county and

1 municipal affairs. (~~Any hearing held pursuant to due notice may be~~
2 ~~postponed from time to time without a new notice;~~)

3 (10) "Renewable natural resources", "natural resources" or
4 "resources" includes land, air, water, vegetation, fish, wildlife, wild
5 rivers, wilderness, natural beauty, scenery and open space(~~(;~~

6 ~~"Conservation" includes conservation, development, improvement,~~
7 ~~maintenance, preservation, protection and use, and alleviation of~~
8 ~~floodwater and sediment damages, and the disposal of excess surface~~
9 ~~waters.~~

10 ~~"Farm and agricultural land" means either (a) land in any~~
11 ~~contiguous ownership of twenty or more acres devoted primarily to~~
12 ~~agricultural uses; (b) any parcel of land five acres or more but less~~
13 ~~than twenty acres devoted primarily to agricultural uses, which has~~
14 ~~produced a gross income from agricultural uses equivalent to one~~
15 ~~hundred dollars or more per acre per year for three of the five~~
16 ~~calendar years preceding the date of application for classification~~
17 ~~under this chapter; or (c) any parcel of land of less than five acres~~
18 ~~devoted primarily to agricultural uses which has produced a gross~~
19 ~~income of one thousand dollars or more per year for three of the five~~
20 ~~calendar years preceding the date of application for classification~~
21 ~~under this chapter. Agricultural lands shall also include farm~~
22 ~~woodlots of less than twenty and more than five acres and the land on~~
23 ~~which appurtenances necessary to production, preparation or sale of the~~
24 ~~agricultural products exist in conjunction with the lands producing~~
25 ~~such products. Agricultural lands shall also include any parcel of~~
26 ~~land of one to five acres, which is not contiguous, but which otherwise~~
27 ~~constitutes an integral part of farming operations being conducted on~~
28 ~~land qualifying under this section as "farm and agricultural lands").~~

29 NEW SECTION. **Sec. 21.** A new section is added to chapter 89.08 RCW
30 to read as follows:

31 All districts created under this chapter shall be known as
32 conservation districts and shall have all the powers and duties set out
33 in this chapter. All references in this chapter to "districts" or
34 "soil and water conservation districts" shall be deemed to be
35 references to "conservation districts" or "districts" as defined in
36 this chapter.

1 **Sec. 22.** RCW 89.08.080 and 1999 c 305 s 2 are each amended to read
2 as follows:

3 ~~((To form a conservation district,))~~ (1) Twenty percent of the
4 voters within the area to be affected may file a petition with the
5 commission ~~((asking))~~ requesting that the area be organized into a
6 district.

7 (2) The petition shall:

8 (a) Give the name of the proposed district((τ));

9 (b) State that ((it)) the district is needed in the interest of the
10 public health, safety, and welfare((τ));

11 (c) Give a general description of the area proposed to be
12 organized; and

13 (d) Request that the commission determine that ((it)) the district
14 be created((τ)) and that ((it)) the commission define the district
15 boundaries ((thereof)) and call an election on the question of creating
16 the district.

17 (3) If more than one petition is filed covering parts of the same
18 area, the commission may consolidate all or any of them.

19 **Sec. 23.** RCW 89.08.090 and 1973 1st ex.s. c 184 s 10 are each
20 amended to read as follows:

21 (1) Within thirty days after a petition is filed, the commission
22 shall ((give due)) issue notice of the time and place of a public
23 hearing thereon. At the hearing all interested persons shall be heard.

24 (2) If it appears to the commission that additional land should be
25 included in the district, the hearing shall be adjourned ((and)). The
26 commission shall issue a new notice ((given)) covering the entire area
27 and set a new date ((fixed)) for further hearing, unless waiver of
28 notice by the owners of the additional land is filed with the
29 commission.

30 ~~((No district shall include any portion of a railroad right of way,~~
31 ~~or another similar district. The lands included in a district need not~~
32 ~~be contiguous.)) (3) Any hearing held by a district pursuant to notice~~
33 ~~as defined in RCW 89.08.020 may be postponed from time to time without~~
34 ~~a new notice.~~

35 NEW SECTION. Sec. 24. A new section is added to chapter 89.08 RCW
36 to read as follows:

1 No district shall include any portion of a railroad right of way,
2 or another similar district. The lands included in a district need not
3 be contiguous.

4 **Sec. 25.** RCW 89.08.100 and 1973 1st ex.s. c 184 s 11 are each
5 amended to read as follows:

6 (1) After the hearing held according to RCW 89.08.090, ((if)) the
7 commission ((finds that)) shall determine whether the public health,
8 safety, and welfare warrant the creation of the district((, it)). If
9 it determines that creation of the district is warranted, the
10 commission shall enter an order to that effect and define the
11 boundaries ((thereof)) of the district by metes and bounds or by legal
12 subdivisions.

13 (2) If the commission finds there is no need for the district, it
14 shall enter an order denying the petition. No petition covering the
15 same or substantially the same area may be filed within six months of
16 the date the commission denies a petition under this section.

17 (3) In making its findings under this section, the commission shall
18 consider the:

19 (a) Topography of the particular area and of the state generally;
20 ((the))

21 (b) Composition of the soil; ((the))

22 (c) Distribution of erosion; ((the))

23 (d) Prevailing land use practices; ((the))

24 (e) Effects upon and benefits to the land proposed to be included;
25 ((the))

26 (f) Relation of the area to existing watersheds and agricultural
27 regions and to other similar districts organized or proposed; and
28 ((consider such))

29 (g) Other relevant physical, geographical, and economic factors
30 ((as are relevant.

31 ~~If the commission finds there is no need for the district, it shall~~
32 ~~enter an order denying the petition, and no petition covering the same~~
33 ~~or substantially the same area may be filed within six months~~
34 ~~thereafter)).~~

35 **Sec. 26.** RCW 89.08.110 and 1999 c 305 s 3 are each amended to read
36 as follows:

1 (1) If the commission finds that the district is (~~needed~~)
2 warranted pursuant to RCW 89.08.100, it shall then determine whether it
3 is practicable. To assist the commission in determining this question,
4 it shall, within a reasonable time, submit the proposition to a vote of
5 the district electors in the proposed district.

6 (2) The commission shall fix the date of the election, designate
7 the polling places, fix the hours for opening and closing the polls,
8 and appoint the election officials. The commission shall conduct the
9 election (~~shall be conducted~~), count the vote (~~counted and~~), canvas
10 the returns (~~canvassed~~), and publish the results (~~published by the~~
11 ~~commission~~) of the election.

12 **Sec. 27.** RCW 89.08.120 and 1973 1st ex.s. c 184 s 13 are each
13 amended to read as follows:

14 (1) The commission shall provide the ballots for the election
15 (~~which~~). The ballots shall contain the words:

16 " For creation of a conservation district of the lands below
17 described and lying in the county or counties of ,
18 and ," and

19 " Against creation of a conservation district of the lands below
20 described and lying in the county or counties of ,
21 and "

22 (2) The ballot shall set forth the boundaries of the proposed
23 district(~~7~~) and contain a direction to insert an X in the square of
24 the voter's choice.

25 **Sec. 28.** RCW 89.08.130 and 1999 c 305 s 4 are each amended to read
26 as follows:

27 (1) The commission shall give (~~due~~) notice of the election(~~7~~
28 ~~which~~) as defined in RCW 89.08.020. The notice shall state generally
29 the purpose and date of the election(~~7 the date thereof~~) and the
30 place and hours of voting(~~7 and~~). The notice shall also set forth
31 the boundaries of the proposed district.

32 (2) Only qualified district electors within the proposed district
33 (~~as determined by the commission~~) may vote at the election. The
34 commission shall determine the qualified district electors within the
35 proposed district.

1 (3) Each voter shall vote in the polling place nearest the voter's
2 residence.

3 **Sec. 29.** RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each
4 amended to read as follows:

5 (1) The commission shall bear all expense of giving the notices and
6 conducting the hearings and election(~~(and)~~).

7 (2) The commission shall issue regulations governing all hearings
8 and elections and establish procedures for determining whether
9 districts are warranted and practicable as required by RCW 89.08.100
10 and 89.08.110.

11 (3) The commission shall supervise the conduct (~~(thereof)~~) of
12 elections. (~~(It)~~)

13 (4) The commission shall provide for registration of eligible
14 voters or prescribe the procedure to determine (~~(the)~~) eligible voters.

15 (5) No informality in connection with the election shall invalidate
16 the results(~~(and)~~) if the notice (~~(thereof)~~) of the election was
17 substantially given(~~(and)~~) and the election fairly conducted.

18 **Sec. 30.** RCW 89.08.150 and 1999 c 305 s 5 are each amended to read
19 as follows:

20 (1) The commission shall deny the petition to create a district if
21 a majority of the votes cast at the election are against the creation
22 of the district(~~(, the commission shall deny the petition)~~).

23 (2) If a majority favor the district, the commission shall
24 determine the practicability of creating the (~~(project)~~) district.

25 (3) In making such determination, the commission shall consider:

26 (a) The attitude of the voters of the district;

27 (b) The number of eligible voters who voted at the election;

28 (c) The size of the majority vote;

29 (d) The wealth and income of the land occupiers;

30 (e) The probable expense of carrying out the project; and

31 (f) Any other economic factors relevant (~~(thereto)~~) to the creation
32 of the district.

33 (4) If the commission finds that the (~~(project)~~) creation of the
34 district is impracticable (~~(it)~~), the commission shall enter an order
35 to that effect and deny the petition.

1 (5) When ((the)) a petition to create a district has been denied
2 under this section, no new petition covering the same or substantially
3 the same area may be filed within six months ~~((therefrom))~~ of the date
4 of denial.

5 **Sec. 31.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each
6 amended to read as follows:

7 (1) If the commission finds ((the project)) creation of the
8 district practicable, ((it)) the commission shall appoint two
9 supervisors~~((, one of whom shall be a landowner or operator of a farm,~~
10 ~~who shall be qualified by training and experience to perform the~~
11 ~~specialized skilled services required of them))~~ according to RCW
12 89.08.030 (as recodified by this act). They, with the three
13 ~~((elected))~~ supervisors, ~~((two of whom shall be landowners or operators~~
14 ~~of a farm))~~ elected according to RCW 89.08.030 (as recodified by this
15 act), shall constitute the governing board of the district.

16 (2) The two appointed supervisors shall file with the secretary of
17 state a sworn application, reciting that:

18 (a) A petition was filed with the commission for the creation of
19 the district; ((that))

20 (b) All required proceedings ((were had thereon; that they)) for
21 creation of the district required by this chapter were conducted;

22 (c) The two appointed supervisors were appointed by the commission
23 as ((such)) supervisors of the district; and ((that))

24 (d) The application is being filed to complete the organization of
25 the district and the requirements of this section. ((It))

26 (3) The application of the appointed supervisors 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 of the appointed supervisors shall be
31 accompanied by a statement of the commission((r)) reciting that:

32 (a) A petition was filed, notice issued, and hearing held
33 ((thereon)) as required by this chapter; ((that it))

34 (b) The commission determined the need for the district and defined
35 the boundaries ((thereof)) of the district; ((that))

36 (c) Notice was given and an election held on the question of
37 creating the district; ((that))

- 1 (d) A majority vote favored the district((, and that));
2 (e) The commission had determined the district practicable; and
3 (f) The commission shall set forth the boundaries of the district.

4 **Sec. 32.** RCW 89.08.170 and 1973 1st ex.s. c 184 s 18 are each
5 amended to read as follows:

6 (1) If the secretary of state finds that the name of the proposed
7 district is such as will not be confused with that of any other
8 district, ((he)) the secretary shall enter the application and
9 statement in ((his)) the secretary's records.

10 (2) If ((he)) the secretary finds the name of the proposed district
11 may be confusing, ((he)) the secretary shall certify that fact to the
12 commission((, which)). The commission shall submit a new name free
13 from such objections, and ((he)) the secretary shall enter the
14 application and statement, as modified, in ((his)) the secretary's
15 records. ((Thereupon)) The district shall then be considered organized
16 into a body corporate.

17 (3) After the application and statement are entered into the
18 secretary's records according to subsection (1) or (2) of this section,
19 the secretary of state shall ((then)) issue to the supervisors a
20 certificate of organization of the district under the seal of the
21 state, and shall record the certificate in ((his)) the secretary's
22 office.

23 (4) Proof of the issuance of the certificate shall be evidence of
24 the establishment of the district, and a certified copy of the
25 certificate shall be admissible as evidence and shall be proof of the
26 filing and contents ((thereof. ~~The name of a conservation district may~~
27 ~~be changed upon recommendation by the supervisors of a district and~~
28 ~~approval by the state conservation commission and the secretary of~~
29 ~~state. The new name shall be recorded by the secretary of state~~
30 ~~following the same general procedure as for the previous name)).~~

31 NEW SECTION. **Sec. 33.** A new section is added to chapter 89.08 RCW
32 to read as follows:

33 The name of a conservation district may be changed upon
34 recommendation by the supervisors of a district and approval by the
35 commission and the secretary of state. The new name shall be recorded

1 by the secretary of state following the same general procedure in RCW
2 89.08.170 for the previous name.

3 **Sec. 34.** RCW 89.08.180 and 1999 c 305 s 6 are each amended to read
4 as follows:

5 (1) Territory may be added to an existing district upon filing a
6 petition as in the case of formation with the commission by twenty
7 percent of the voters of the affected area to be included. The
8 ((same)) procedure ((shall be followed as)) for adding territory to a
9 district shall be the same as the procedure specified in this chapter
10 for the creation of the district.

11 (2) As an alternate ((procedure)) to the provisions of subsection
12 (1) of this section, the commission may upon the petition of a majority
13 of the voters in any one or more districts or in unorganized territory
14 adjoining a conservation district change the boundaries of a
15 district((τ)) or districts((τ)). The commission may change boundaries
16 according to this subsection if such action will promote the practical
17 and feasible administration of ((such)) the district or districts.

18 (3) Upon petition of the boards of supervisors of two or more
19 districts, the commission may approve the combining of all or parts of
20 such districts and name the district, or districts, with the approval
21 of the name by the secretary of state. ((A public hearing and/or a
22 referendum may be held if deemed)) The commission may hold a public
23 hearing and/or a referendum on a petition filed according to this
24 subsection if the commission determines such action necessary or
25 desirable ((by the commission in order)) to determine the wishes of the
26 voters.

27 ~~((When districts are combined, the joint boards of supervisors will~~
28 ~~first select a chairman, secretary and other necessary officers and~~
29 ~~select a regular date for meetings. All elected supervisors will~~
30 ~~continue to serve as members of the board until the expiration of their~~
31 ~~current term of office, and/or until the election date nearest their~~
32 ~~expiration date. All appointed supervisors will continue to serve~~
33 ~~until the expiration of their current term of office, at which time the~~
34 ~~commission will make the necessary appointments. In the event that~~
35 ~~more than two districts are combined, a similar procedure will be set~~
36 ~~up and administered by the commission.~~

1 ~~When districts are combined or territory is moved from one district~~
2 ~~to another, the property, records and accounts of the districts~~
3 ~~involved shall be distributed to the remaining district or districts as~~
4 ~~approved by the commission. A new certificate of organization, naming~~
5 ~~and describing the new district or districts, shall be issued by the~~
6 ~~secretary of state.))~~

7 **NEW SECTION.** **Sec. 35.** A new section is added to chapter 89.08 RCW
8 to read as follows:

9 (1) When districts are combined according to RCW 89.08.180, the
10 joint boards of supervisors shall select a chair, secretary, and other
11 necessary officers and select a regular date for meetings. All elected
12 supervisors shall continue to serve as members of the board until the
13 expiration of their current term of office, and/or until the election
14 date nearest their expiration date. All appointed supervisors shall
15 continue to serve until the expiration of their current term of office,
16 at which time the commission will make the necessary appointments.

17 (2) In the event that more than two districts are combined, the
18 commission shall establish and administer a procedure similar to the
19 procedure specified in subsection (1) of this section.

20 **NEW SECTION.** **Sec. 36.** A new section is added to chapter 89.08 RCW
21 to read as follows:

22 (1) When districts are combined or territory is moved from one
23 district to another according to RCW 89.08.180, the property, records,
24 and accounts of the districts involved shall be distributed to the
25 remaining district or districts. The commission shall approve the
26 distribution of property, records, and accounts.

27 (2) A new certificate of organization, naming and describing the
28 new district or districts, shall be issued by the secretary of state.

29 **Sec. 37.** RCW 89.08.185 and 1999 c 305 s 7 are each amended to read
30 as follows:

31 (1) The local governing body of any city or incorporated town
32 within an existing district may approve by majority vote a petition to
33 withdraw from the district. The petition shall be submitted to the
34 district for its approval.

1 (2) If the petition to withdraw is approved by the district, the
2 petition shall be sent to the commission. The commission shall approve
3 the petition and forward it to the secretary of state and the boundary
4 of the district shall be adjusted accordingly.

5 (3)(a) If the petition is not approved by the district, the
6 district shall adopt a resolution specifying the reasons why the
7 petition is not approved. The petition and the district's resolution
8 shall be sent to the commission for its review.

9 (b) The commission shall approve or reject the petition based upon
10 criteria ~~((it has))~~ adopted according to subsection (4) of this section
11 for the evaluation of petitions in dispute. If the commission approves
12 the petition, it shall forward the petition to the secretary of state,
13 and the boundaries of the district shall be adjusted accordingly.

14 (4) The ~~((criteria used by the commission to evaluate petitions~~
15 ~~which are in dispute))~~ commission shall adopt criteria for the
16 evaluation of petitions in dispute submitted to the commission
17 according to subsection (3) of this section. The criteria shall be
18 adopted as rules by the commission under chapter 34.05 RCW, the
19 administrative procedure act.

20 **Sec. 38.** RCW 89.08.190 and 2002 c 43 s 3 are each amended to read
21 as follows:

22 (1) Petitions to nominate candidates for the three elected
23 supervisors shall be filed with the commission within thirty days after
24 the issuance of the certificate of organization pursuant to RCW
25 89.08.170, unless the time is extended by the commission~~((, petitions~~
26 ~~shall be filed with the commission to nominate candidates for the three~~
27 ~~elected supervisors))~~.

28 (2) The petition filed under this section shall be signed by not
29 ~~((less))~~ fewer than twenty-five district electors~~((, and))~~. A district
30 elector may sign petitions nominating more than one person.

31 (3) In the case of a new district, the commission shall give
32 ~~((due))~~ notice to elect the three supervisors. ~~((All))~~ Provisions
33 pertaining to elections on the creation of a district specified in this
34 chapter shall govern this election so far as applicable.

35 (4) The names of all nominees shall appear on the ballot in
36 alphabetical order, together with instructions to vote for three. The
37 three candidates receiving the most votes shall be declared elected

1 ~~supervisors((, the one)).~~ The candidate receiving the most ~~((being))~~
2 votes shall be elected for a three-year term, the ~~((next for two and~~
3 ~~the last for one year.~~ ~~An alternate method of dividing the district~~
4 ~~into three zones may be used when requested by the board of supervisors~~
5 ~~and approved by the commission.~~ ~~In such case,))~~ candidate with the
6 second highest number of votes shall be elected for a two-year term,
7 and the candidate with the third highest number of votes shall be
8 elected for a one-year term.

9 (5) The commission may approve an alternate election method of
10 dividing the district into three zones when requested by the board of
11 supervisors. When this alternate method is used instructions will be
12 to vote for one candidate in each zone. The candidate receiving the
13 most votes in a zone shall be declared elected. The commission shall
14 designate the term for which each supervisor shall be elected when the
15 commission establishes the three zones according to this subsection
16 (5).

17 (6) Each year after the creation of the first board of supervisors,
18 the board shall by resolution and by giving ((due)) notice, set a date
19 during the first quarter of each calendar year at which time it shall
20 conduct an election((, except that for elections in 2002 only, the
21 board shall set the date during the second quarter of the calendar year
22 at which time it shall conduct an election)). Names of candidates
23 nominated by petition shall appear in alphabetical order on the
24 ballots, together with an extra line ~~((wherein))~~ on which may be
25 written in the name of any other candidate.

26 (7) The commission shall establish procedures for elections,
27 canvass the returns and announce the official results ((thereof)) of
28 elections. Election results may be announced by polling officials at
29 the close of the election subject to official canvass of ballots by the
30 commission.

31 (8) Supervisors elected shall take office at the first board
32 meeting following the election.

33 **Sec. 39.** RCW 89.08.200 and 1973 1st ex.s. c 184 s 21 are each
34 amended to read as follows:

35 (1) Except as provided in subsection (2) of this section, the term
36 of office of each appointed or elected supervisor shall be three years

1 and until his or her successor is appointed or elected and qualified(~~(~~
2 ~~except that~~)).

3 (2) The supervisors first appointed shall serve for one and two
4 years respectively from the date of their appointments, (~~as designated~~
5 ~~in their appointments.~~

6 ~~In the case of elected supervisors, the term of office of each~~
7 ~~supervisor shall be three years and until his successor is elected and~~
8 ~~qualified, except that for the first election, the one receiving the~~
9 ~~largest number of votes shall be elected for three years; the next~~
10 ~~largest two years; and the third largest one year. Successors shall be~~
11 ~~elected for three year terms)) with the terms designated by the~~
12 ~~commission in their appointments. The terms of the first elected~~
13 ~~supervisors shall be determined as provided in RCW 89.08.190.~~

14 (3) Vacancies in the office of appointed supervisors shall be
15 filled by the (~~state conservation~~) commission. Vacancies in the
16 office of elected supervisors shall be filled by appointment (~~made~~
17 ~~by~~) of the remaining supervisors for the unexpired term.

18 (4) A majority of the supervisors shall constitute a quorum and the
19 concurrence of a majority is required for any official action or
20 determination.

21 (5) Supervisors shall serve without compensation(~~(~~) but (~~they~~)
22 shall be entitled to expenses, including traveling expenses,
23 necessarily incurred in discharge of their duties.

24 (6) A supervisor may be removed by the (~~state conservation~~)
25 commission upon notice and hearing(~~(~~) only for neglect of duty or
26 malfeasance in office(~~(~~ ~~but~~) and for no other reason.

27 (7) The governing board shall designate a chairman from time to
28 time.

29 **Sec. 40.** RCW 89.08.210 and 2000 c 45 s 1 are each amended to read
30 as follows:

31 (1) The supervisors may:

32 (a) Employ a secretary, treasurer, technical experts, and such
33 other officers, agents, and employees, permanent and temporary, as
34 (~~they~~) it may require(~~(~~) and determine their qualifications,
35 duties, and compensation(~~(~~ ~~It may~~));

36 (b) Call upon the attorney general for legal services(~~(~~) or

1 ((may)) employ its own counsel and legal staff(~~(. The supervisors~~
2 ~~may))~~; and

3 (c) Delegate to (~~their chairman, to~~) its chair one or more
4 supervisors, or (~~to~~) one or more agents or employees such powers and
5 duties as it deems proper.

6 (2) The board of supervisors shall:

7 (a) Furnish to the commission, upon request, copies of (~~such~~)
8 internal rules, regulations, orders, contracts, forms, and other
9 documents as (~~they~~) it shall adopt or employ, and such other
10 information concerning (~~their~~) its activities (~~as~~) that the
11 commission may require in the performance of its duties under this
12 chapter (~~184, Laws of 1973 1st ex. sess. The supervisors shall~~);

13 (b) Provide for the execution of surety bonds for officers and all
14 employees who shall be entrusted with funds or property(~~(-~~
15 ~~The supervisors shall~~));

16 (c) Provide for the (~~keeping~~) maintenance of a full and accurate
17 record of all proceedings, resolutions, regulations, and orders issued
18 or adopted(~~(. The supervisors shall~~)); and

19 (d) Provide for an annual audit of the accounts of receipts and
20 disbursements (~~in accordance with~~) according to procedures prescribed
21 by (~~regulations of~~) the commission.

22 (~~The board may invite the legislative body of any municipality or~~
23 ~~county near or within the district, to designate a representative to~~
24 ~~advise and consult with it on all questions of program and policy which~~
25 ~~may affect the property, water supply, or other interests of such~~
26 ~~municipality or county. The governing body of a district shall appoint~~
27 ~~such advisory committees as may be needed to assure the availability of~~
28 ~~appropriate channels of communication to the board of supervisors, to~~
29 ~~persons affected by district operations, and to local, regional, state~~
30 ~~and interstate special purpose districts and agencies responsible for~~
31 ~~community planning, zoning, or other resource development activities.~~
32 ~~The district shall keep such committees informed of its work, and such~~
33 ~~advisory committees shall submit recommendations from time to time to~~
34 ~~the board of supervisors.))~~

35 NEW SECTION. Sec. 41. A new section is added to chapter 89.08 RCW
36 to read as follows:

37 The board may invite the legislative body of any municipality or

1 county near or within the district to designate a representative to
2 advise and consult with it on all questions of program and policy that
3 may affect the property, water supply, or other interests of such
4 municipality or county.

5 NEW SECTION. **Sec. 42.** A new section is added to chapter 89.08 RCW
6 to read as follows:

7 (1) The governing body of a district shall appoint advisory
8 committees as needed to assure the availability of appropriate channels
9 of communication to the board of supervisors, persons affected by
10 district operations, and local, regional, state, and interstate special
11 purpose districts and agencies responsible for community planning,
12 zoning, or other resource development activities.

13 (2) The district shall keep any advisory committees informed of its
14 work and require advisory committees to submit recommendations from
15 time to time to the board of supervisors.

16 **Sec. 43.** RCW 89.08.215 and 2000 c 45 s 2 are each amended to read
17 as follows:

18 (1) Except as provided in subsection (2) of this section, the
19 treasurer of the county in which a conservation district is located
20 ((is)) shall serve as ex officio treasurer of the district.
21 ((However,))

22 (2) The board of supervisors by resolution may designate some other
23 person having experience in financial or fiscal matters as treasurer of
24 the conservation district. The board of supervisors shall require a
25 bond, with a surety company authorized to do business in the state of
26 Washington, in an amount and under the terms and conditions ((which))
27 that the board of supervisors by resolution from time to time finds
28 will protect the district against loss. The premium on this bond shall
29 be paid by the district.

30 (3) All district funds shall be paid to the treasurer and disbursed
31 only on warrants issued by an auditor appointed by the board of
32 supervisors, upon orders or vouchers approved by it. The treasurer
33 shall establish a conservation district fund into which shall be paid
34 all district funds. The treasurer shall maintain any special funds
35 created by the board of supervisors for the placement of all money as
36 the board of supervisors may, by resolution, direct.

1 (4) If the treasurer of the district is the treasurer of the county
2 all district funds shall be deposited with the county depositaries
3 under the same restrictions, contracts, and security as provided for
4 county depositaries. If the treasurer of the district is some other
5 person, all funds shall be deposited in a bank or banks authorized to
6 do business in this state as the board of supervisors, by resolution,
7 designates.

8 (5) A district may provide and require a reasonable bond of any
9 other person handling moneys or securities of the district((~~7~~)) if the
10 district pays the premium.

11 **Sec. 44.** RCW 89.08.220 and 1999 c 305 s 8 are each amended to read
12 as follows:

13 (1) A conservation district organized under (~~the provisions of~~)
14 this chapter (~~(184, Laws of 1973 1st ex. sess.)~~) shall constitute a
15 governmental subdivision of this state, and a public body corporate and
16 politic exercising public powers(~~(~~7~~ but~~)). A conservation district
17 shall not levy taxes or issue bonds (~~(and such district, and the~~
18 ~~supervisors thereof,~~)).

19 (2) In addition to other powers specified in this chapter, a
20 conservation district shall have the (~~following powers, in addition to~~
21 ~~others granted in other sections of chapter 184, Laws of 1973 1st ex.~~
22 ~~sess.)~~) power to:

23 (~~(1) To~~) (a) Conduct surveys, investigations, and research
24 relating to the conservation of renewable natural resources and the
25 preventive and control measures and works of improvement needed, (~~to~~)
26 publish the results of such surveys, investigations, or research, and
27 (~~to~~) disseminate information concerning such preventive and control
28 measures and works of improvement(~~(~~PROVIDED, That in order~~)).~~ To
29 avoid duplication of research activities, no district shall initiate
30 any research program except in cooperation with the government of this
31 state or any of its agencies, or with the United States or any of its
32 agencies;

33 (~~(2) To~~) (b) Conduct educational and demonstrational projects on
34 any lands within the district upon obtaining the consent of the
35 occupier of such lands and such necessary rights or interests in such
36 lands as may be required in order to demonstrate by example the means,

1 methods, measures, and works of improvement by which the conservation
2 of renewable natural resources may be carried out;

3 ~~((3) Tø))~~ (c) Carry out preventative and control measures and
4 works of improvement for the conservation of renewable natural
5 resources, within the district including, but not limited to,
6 engineering operations, methods of cultivation, the growing of
7 vegetation, changes in use of lands, and the measures listed in RCW
8 89.08.010, on any lands within the district upon obtaining the consent
9 of the occupier of such lands and such necessary rights or interests in
10 such lands as may be required;

11 ~~((4) Tø))~~ (d) Cooperate or enter into agreements with, and within
12 the limits of appropriations duly made available to it by law, to
13 furnish financial or other aid to any agency, governmental or
14 otherwise, or any occupier of lands within the district in the carrying
15 on of preventive and control measures and works of improvement for the
16 conservation of renewable natural resources within the district,
17 subject to such conditions as the supervisors may deem necessary to
18 advance the purposes of this chapter ~~((184, Laws of 1973 1st ex-~~
19 ~~sess))~~. For purposes of this subsection (2)(d) only, land occupiers
20 who are also district supervisors are not subject to the provisions of
21 RCW 42.23.030;

22 ~~((5) Tø))~~ (e) Obtain options upon and ~~((tø))~~ acquire in any
23 manner~~((, except by))~~ other than condemnation, by purchase, exchange,
24 lease, gift, bequest, devise, or otherwise, any property, real or
25 personal, or rights or interests ~~((therein))~~ to property; ~~((tø))~~
26 maintain, administer, and improve any properties acquired~~((, tø))~~;
27 receive income from such properties ~~((and tø))~~; expend ((such)) income
28 received from such properties in carrying out the purposes and
29 provisions of this chapter ~~((184, Laws of 1973 1st ex. sess.))~~; and
30 ~~((tø))~~ sell, lease, or otherwise dispose of any of its property or
31 interests therein in furtherance of the purposes and the provisions of
32 this chapter ~~((184, Laws of 1973 1st ex. sess.))~~;

33 ~~((6) Tø))~~ (f) Make available, on such terms, as it shall
34 prescribe, to land occupiers within the district, agricultural and
35 engineering machinery and equipment, fertilizer, seeds, seedlings, and
36 such other equipment and material as will assist them to carry on
37 operations upon their lands for the conservation of renewable natural
38 resources;

1 (~~((7) To~~) (g) Prepare and keep current a comprehensive long-range
2 program recommending the conservation of all the renewable natural
3 resources of the district(~~(. — Such programs shall be directed toward~~
4 ~~the best use of renewable natural resources and in a manner that will~~
5 ~~best meet the needs of the district and the state, taking into~~
6 ~~consideration, where appropriate, such uses as farming, grazing, timber~~
7 ~~supply, forest, parks, outdoor recreation, potable water supplies for~~
8 ~~urban and rural areas, water for agriculture, minimal flow, and~~
9 ~~industrial uses, watershed stabilization, control of soil erosion,~~
10 ~~retardation of water run-off, flood prevention and control, reservoirs~~
11 ~~and other water storage, restriction of developments of flood plains,~~
12 ~~protection of open space and scenery, preservation of natural beauty,~~
13 ~~protection of fish and wildlife, preservation of wilderness areas and~~
14 ~~wild rivers, the prevention or reduction of sedimentation and other~~
15 ~~pollution in rivers and other waters, and such location of highways,~~
16 ~~schools, housing developments, industries, airports and other~~
17 ~~facilities and structures as will fit the needs of the state and be~~
18 ~~consistent with the best uses of the renewable natural resources of the~~
19 ~~state. The program shall include an inventory of all renewable natural~~
20 ~~resources in the district, a compilation of current resource needs,~~
21 ~~projections of future resource requirements, priorities for various~~
22 ~~resource activities, projected timetables, descriptions of available~~
23 ~~alternatives, and provisions for coordination with other resource~~
24 ~~programs.~~

25 The district shall also prepare an annual work plan, which shall
26 describe the action programs, services, facilities, materials, working
27 arrangements and estimated funds needed to carry out the parts of the
28 long-range programs that are of the highest priorities.

29 The districts shall hold public hearings at appropriate times in
30 connection with the preparation of programs and plans, shall give
31 careful consideration to the views expressed and problems revealed in
32 hearings, and shall keep the public informed concerning their programs,
33 plans, and activities. Occupiers of land shall be invited to submit
34 proposals for consideration to such hearings. The districts may
35 supplement such hearings with meetings, referenda and other suitable
36 means to determine the wishes of interested parties and the general
37 public in regard to current and proposed plans and programs of a
38 district. They shall confer with public and private agencies,

1 individually and in groups, to give and obtain information and
2 understanding of the impact of district operations upon agriculture,
3 forestry, water supply and quality, flood control, particular
4 industries, commercial concerns and other public and private interests,
5 both rural and urban.

6 Each district shall submit to the commission its proposed long-
7 range program and annual work plans for review and comment.

8 The long-range renewable natural resource program, together with
9 the supplemental annual work plans, developed by each district under
10 the foregoing procedures shall have official status as the authorized
11 program of the district, and it shall be published by the districts as
12 its "renewable resources program". Copies shall be made available by
13 the districts to the appropriate counties, municipalities, special
14 purpose districts and state agencies, and shall be made available in
15 convenient places for examination by public land occupier or private
16 interest concerned. Summaries of the program and selected material
17 therefrom shall be distributed as widely as feasible for public
18 information)) according to section 35 of this act;

19 ((+8) Tø)) (h) Administer any project or program concerned with the
20 conservation of renewable natural resources located within its
21 boundaries that is undertaken by any federal, state, or other public
22 agency by entering into a contract or other appropriate administrative
23 arrangement with any agency administering such project or program;

24 ((+9)) (i) Cooperate with other districts organized under this
25 chapter ((184, Laws of 1973 1st ex. sess.)) in the exercise of any of
26 its powers;

27 ((+10) Tø)) (j) Accept donations, gifts, and contributions in
28 money, services, materials, or otherwise, from the United States or any
29 of its agencies, from this state or any of its agencies, or from any
30 other source, and ((tø)) use or expend such moneys, services,
31 materials, or any contributions in carrying out the purposes of this
32 chapter ((184, Laws 1973 1st ex. sess.)); and

33 ((+11) Tø)) (k) Sue and be sued in the name of the district; ((tø))
34 have a seal which shall be judicially noticed; have perpetual
35 succession unless terminated as ((hereinafter)) provided in this
36 chapter; ((tø)) make and execute contracts and other instruments,
37 necessary or convenient to the exercise of its powers; ((tø)) borrow
38 money and ((tø)) pledge, mortgage, and assign the income of the

1 district and its real or personal property (~~((therefor))~~); and (~~((to))~~)
2 make(~~((7))~~) and amend rules and regulations not inconsistent with this
3 chapter (~~((184, Laws of 1973 1st ex. sess.))~~) and (~~((to))~~) carry into
4 effect its purposes(~~((7~~

5 ~~((12) Any two or more districts may engage in joint activities by~~
6 ~~agreement between or among them in planning, financing, constructing,~~
7 ~~operating, maintaining, and administering any program or project~~
8 ~~concerned with the conservation of renewable natural resources. The~~
9 ~~districts concerned may make available for purposes of the agreement~~
10 ~~any funds, property, personnel, equipment, or services available to~~
11 ~~them under chapter 184, Laws of 1973 1st ex. sess.;~~

12 ~~Any district may enter into such agreements with a district or~~
13 ~~districts in adjoining states to carry out such purposes if the law in~~
14 ~~such other states permits the districts in such states to enter into~~
15 ~~such agreements.~~

16 ~~The commission shall have authority to propose, guide, and~~
17 ~~facilitate the establishment and carrying out of any such agreement;~~

18 ~~((13) Every district shall, through public hearings, annual~~
19 ~~meetings, publications, or other means, keep the general public,~~
20 ~~agencies and occupiers of land within the district, informed of the~~
21 ~~works and activities planned and administered by the district, of the~~
22 ~~purposes these will serve, of the income and expenditures of the~~
23 ~~district, of the funds borrowed by the district and the purposes for~~
24 ~~which such funds are expended, and of the results achieved annually by~~
25 ~~the district; and~~

26 ~~((14) The supervisors of conservation districts may designate an~~
27 ~~area, state, and national association of conservation districts as a~~
28 ~~coordinating agency in the execution of the duties imposed by this~~
29 ~~chapter, and to make gifts in the form of dues, quotas, or otherwise to~~
30 ~~such associations for costs of services rendered, and may support and~~
31 ~~attend such meetings as may be required to promote and perfect the~~
32 ~~organization and to effect its purposes)).~~

33 NEW SECTION. Sec. 45. A new section is added to chapter 89.08 RCW
34 to read as follows:

35 A comprehensive long-range program recommending the conservation of
36 all the renewable natural resources of the district that is adopted as
37 authorized by RCW 89.08.220(2)(g) shall be directed toward the best use

1 of renewable natural resources and in a manner that will best meet the
2 needs of the district and the state, taking into consideration, where
3 appropriate, such uses as farming, grazing, timber supply, forests,
4 parks, outdoor recreation, potable water supplies for urban and rural
5 areas, water for agriculture, minimal flow, and industrial uses,
6 watershed stabilization, control of soil erosion, retardation of water
7 run-off, flood prevention and control, reservoirs and other water
8 storage, restriction of developments of flood plains, protection of
9 open space and scenery, preservation of natural beauty, protection of
10 fish and wildlife, preservation of wilderness areas and wild rivers,
11 the prevention or reduction of sedimentation and other pollution in
12 rivers and other waters, and such location of highways, schools,
13 housing developments, industries, airports, and other facilities and
14 structures as will fit the needs of the state and be consistent with
15 the best uses of the renewable natural resources of the state. The
16 program shall include an inventory of all renewable natural resources
17 in the district, a compilation of current resource needs, projections
18 of future resource requirements, priorities for various resource
19 activities, projected timetables, descriptions of available
20 alternatives, and provisions for coordination with other resource
21 programs.

22 The district shall also prepare an annual work plan, which shall
23 describe the action programs, services, facilities, materials, working
24 arrangements, and estimated funds needed to carry out the parts of the
25 long-range programs that are of the highest priorities.

26 The districts shall hold public hearings at appropriate times in
27 connection with the preparation of programs and plans, shall give
28 careful consideration to the views expressed and problems revealed in
29 hearings, and shall keep the public informed concerning their programs,
30 plans, and activities. Occupiers of land shall be invited to submit
31 proposals for consideration to such hearings. The districts may
32 supplement such hearings with meetings, referenda, and other suitable
33 means to determine the wishes of interested parties and the general
34 public in regard to current and proposed plans and programs of a
35 district. They shall confer with public and private agencies,
36 individually and in groups, to give and obtain information and
37 understanding of the impact of district operations upon agriculture,

1 forestry, water supply and quality, flood control, particular
2 industries, commercial concerns, and other public and private
3 interests, both rural and urban.

4 Each district shall submit to the commission its proposed long-
5 range program and annual work plans for review and comment.

6 The long-range renewable natural resource program, together with
7 the supplemental annual work plans, developed by each district under
8 the foregoing procedures shall have official status as the authorized
9 program of the district, and it shall be published by the districts as
10 its renewable resources program. Copies shall be made available by the
11 districts to the appropriate counties, municipalities, special purpose
12 districts, and state agencies, and shall be made available in
13 convenient places for examination by public land occupier or private
14 interest concerned. Summaries of the program and selected material
15 therefrom shall be distributed as widely as feasible for public
16 information.

17 NEW SECTION. **Sec. 46.** A new section is added to chapter 89.08 RCW
18 to read as follows:

19 (1) Any two or more districts may engage in joint activities by
20 agreement between or among them in planning, financing, constructing,
21 operating, maintaining, and administering any program or project
22 concerned with the conservation of renewable natural resources. The
23 districts concerned may make available for purposes of the agreement
24 any funds, property, personnel, equipment, or services available to
25 them under this chapter.

26 (2) Any district may enter into such agreements with a district or
27 districts in adjoining states to carry out such purposes if the law in
28 such other states permits the districts in such states to enter into
29 such agreements.

30 (3) The commission shall have authority to propose, guide, and
31 facilitate the establishment and carrying out of any agreement made
32 according to this section.

33 NEW SECTION. **Sec. 47.** A new section is added to chapter 89.08 RCW
34 to read as follows:

35 Every district shall, through public hearings, annual meetings,
36 publications, or other means, keep the general public, agencies, and

1 occupiers of land within the district, informed of the works and
2 activities planned and administered by the district, of the purposes
3 these will serve, of the income and expenditures of the district, of
4 the funds borrowed by the district and the purposes for which such
5 funds are expended, and of the results achieved annually by the
6 district.

7 NEW SECTION. **Sec. 48.** A new section is added to chapter 89.08 RCW
8 to read as follows:

9 The supervisors of conservation districts may designate an area,
10 state, and national association of conservation districts as a
11 coordinating agency in the execution of the duties imposed by this
12 chapter. The supervisors of conservation districts may make gifts in
13 the form of dues, quotas, or otherwise to such associations for costs
14 of services rendered and may support and attend such meetings as may be
15 required to promote and perfect the organization and to effect its
16 purposes.

17 **Sec. 49.** RCW 89.08.341 and 1973 1st ex.s. c 184 s 24 are each
18 amended to read as follows:

19 (1) Any agency of the government of this state and any local
20 political subdivision of this state is hereby authorized to make such
21 arrangements with any district, through contract, regulation or other
22 appropriate means, wherever it believes that such arrangements will
23 promote administrative efficiency or economy.

24 (2) In connection with any (~~such~~) arrangements authorized under
25 subsection (1) of this section, any state or local agency or political
26 subdivision of this state is authorized, within the limits of funds
27 available to it, to contribute funds, equipment, property or services
28 to any district; and to collaborate with a district in jointly
29 planning, constructing, financing or operating any work or activity
30 provided for in such arrangements and in the joint acquisition,
31 maintenance and operation of equipment or facilities in connection
32 therewith.

33 (3) The commission and other state agencies, the districts, and
34 (~~other~~) local agencies are authorized to make available to each other
35 maps, reports and data in their possession that are useful in the
36 preparation of their respective programs and plans for resource

1 conservation. The districts shall keep the commission, other state
2 agencies, and local agencies fully informed (~~(concerning)~~) of the
3 status and progress of the preparation of their resource conservation
4 programs and plans.

5 (4) The state conservation commission and the counties of the state
6 may provide respective conservation districts such administrative funds
7 as will be necessary to carry out the purpose of this chapter (~~(184,~~
8 ~~Laws of 1973 1st ex. sess)~~).

9 **Sec. 50.** RCW 89.08.350 and 1999 c 305 s 9 are each amended to read
10 as follows:

11 (1) At any time after five years from the date of organization of
12 a district, twenty percent of the voters in the district may file with
13 the commission a petition(~~(7)~~) praying that the district be dissolved.

14 (2) The commission may hold public hearings (~~(thereon, and)~~) on a
15 petition filed according to this section. Within sixty days from
16 receipt of the petition, the commission shall give (~~(due)~~) notice of an
17 election on the question of dissolution. (~~(It)~~) The commission shall
18 provide appropriate ballots, conduct the election, canvass the returns,
19 and declare the results in the (~~(same)~~) manner (~~(as)~~) specified in this
20 chapter for elections to create a district.

21 (3) All district electors may vote at the election conducted
22 according to this section. No informality relating to the election
23 shall invalidate it if notice is substantially given and the election
24 is fairly conducted.

25 **Sec. 51.** RCW 89.08.360 and 1999 c 305 s 10 are each amended to
26 read as follows:

27 If a majority of the votes cast at the election are for
28 dissolution, the district shall be dissolved. Under such
29 circumstances, the commission shall enter an order dissolving the
30 district.

31 **Sec. 52.** RCW 89.08.370 and 1999 c 305 s 11 are each amended to
32 read as follows:

33 (1) If the district is ordered dissolved, the supervisors shall
34 (~~(forthwith)~~) promptly terminate the affairs of the district (~~(and)~~),
35 dispose of all district property at public auction, and (~~(pay)~~) use the

1 proceeds (~~therefrom~~) from the auction to pay any debts of the
2 district (~~and~~). Any remaining balance shall be paid to the state
3 treasurer.

4 (~~They~~) (2) After satisfying the requirements of subsection (1) of
5 this section, the supervisors shall then file a verified application
6 with the secretary of state for the dissolution of the district(~~(7)~~)
7 accompanied by a certificate of the commission reciting the
8 determination that further operation of the district is impracticable.
9 The application shall recite that:

10 (a) The property of the district has been disposed of(~~(7-that)~~);

11 (b) The proceeds (~~therefrom~~) from the property have been used to
12 pay any debts of the district; and

13 (c) Any remaining balance has been paid to the state treasurer,
14 (~~and contain~~) accompanied by a full accounting of the property and
15 proceeds. (~~Thereupon~~)

16 (3) Upon receiving the verified application and the certificate
17 required by subsection (2) of this section, the secretary shall issue
18 to the supervisors a certificate of dissolution and file a copy thereof
19 in his or her records.

20 **Sec. 53.** RCW 89.08.390 and 1939 c 187 s 17 are each amended to
21 read as follows:

22 Insofar as any of the provisions of this chapter are inconsistent
23 with the provisions of any other law, the provisions of this chapter
24 shall be controlling(~~(:—PROVIDED, HOWEVER, That)~~). None of the
25 provisions of this chapter shall be construed so as to impair water
26 rights appurtenant to lands within or without the boundaries of any
27 district or districts organized (~~hereunder~~) according to this
28 chapter.

29 **Sec. 54.** RCW 89.08.391 and 1973 1st ex.s. c 184 s 30 are each
30 amended to read as follows:

31 Insofar as any of the provisions of this chapter are inconsistent
32 with the provisions of any other law, the provisions of this chapter
33 shall be controlling(~~(:—PROVIDED, HOWEVER, That)~~). None of the
34 provisions of this chapter shall be construed so as to impair water
35 rights appurtenant to lands within or without the boundaries of any

1 district or districts organized (~~hereunder~~) according to this
2 chapter.

3 **Sec. 55.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read
4 as follows:

5 (1) Special assessments are authorized to be imposed for
6 conservation districts as provided in this section. Activities and
7 programs to conserve natural resources, including soil and water, are
8 declared to be of special benefit to lands and may be used as the basis
9 upon which special assessments are imposed.

10 (2)(a) Special assessments to finance the activities of a
11 conservation district may be imposed by the county legislative
12 authority of the county in which the conservation district is located
13 for a period or periods each not to exceed ten years in duration.

14 (b) The supervisors of a conservation district shall hold a public
15 hearing on a proposed system of assessments prior to the first day of
16 August in the year prior to which it is proposed that the initial
17 special assessments be collected. At that public hearing, the
18 supervisors shall gather information and shall alter the proposed
19 system of assessments when appropriate, including the number of years
20 during which it is proposed that the special assessments be imposed.

21 (c) On or before the first day of August in that year, the
22 supervisors of a conservation district shall file the proposed system
23 of assessments, indicating the years during which it is proposed that
24 the special assessments shall be imposed, and a proposed budget for the
25 succeeding year with the county legislative authority of the county
26 within which the conservation district is located and with the
27 commission. The county legislative authority shall hold a public
28 hearing on the proposed system of assessments. After the hearing, the
29 county legislative authority may accept, or modify and accept, the
30 proposed system of assessments, including the number of years during
31 which the special assessments shall be imposed, if it finds that both
32 the public interest will be served by the imposition of the special
33 assessments and that the special assessments to be imposed on any land
34 will not exceed the special benefit that the land receives or will
35 receive from the activities of the conservation district.

36 (d) The findings of the county legislative authority shall be final
37 and conclusive.

1 (e) Special assessments may be altered during this period on
2 individual parcels in accordance with the system of assessments if land
3 is divided or land uses or other factors change.

4 (f) Notice of the public hearings held by the supervisors and the
5 county legislative authority shall be posted conspicuously in at least
6 five places throughout the conservation district((7)) and published
7 once a week for two consecutive weeks in a newspaper in general
8 circulation throughout the conservation district, with the date of the
9 last publication at least five days prior to the public hearing.

10 (3) A system of assessments shall classify lands in the
11 conservation district into suitable classifications according to
12 benefits conferred or to be conferred by the activities of the
13 conservation district, determine an annual per acre rate of assessment
14 for each classification of land, and indicate the total amount of
15 special assessments proposed to be obtained from each classification of
16 lands. Lands deemed not to receive benefit from the activities of the
17 conservation district shall be placed into a separate classification
18 and shall not be subject to the special assessments. An annual
19 assessment rate shall be stated as either uniform annual per acre
20 amount, or an annual flat rate per parcel plus a uniform annual rate
21 per acre amount, for each classification of land. The maximum annual
22 per acre special assessment rate shall not exceed ten cents per acre.
23 The maximum annual per parcel rate shall not exceed five dollars.

24 (4) Public land, including lands owned or held by the state, shall
25 be subject to special assessments to the same extent as privately owned
26 lands. The procedures provided in chapter 79.44 RCW shall be followed
27 if lands owned or held by the state are subject to the special
28 assessments of a conservation district.

29 (5) Forest lands used solely for the planting, growing, or
30 harvesting of trees may be subject to special assessments if such lands
31 benefit from the activities of the conservation district, but the per
32 acre rate of special assessment on benefited forest lands shall not
33 exceed one-tenth of the weighted average per acre assessment on all
34 other lands within the conservation district that are subject to its
35 special assessments. The calculation of the weighted average per acre
36 special assessment shall be a ratio calculated as follows: (a) The
37 numerator shall be the total amount of money estimated to be derived
38 from the imposition of per acre special assessments on the nonforest

1 lands in the conservation district; and (b) the denominator shall be
2 the total number of nonforest land acres in the conservation district
3 that receive benefit from the activities of the conservation district
4 and which are subject to the special assessments of the conservation
5 district. No more than ten thousand acres of such forest lands that is
6 both owned by the same person or entity and is located in the same
7 conservation district may be subject to the special assessments that
8 are imposed for that conservation district in any year. Per parcel
9 charges shall not be imposed on forest land parcels. However, in lieu
10 of a per parcel charge, a charge of up to three dollars per forest
11 landowner may be imposed on each owner of forest lands whose forest
12 lands are subject to a per acre rate of assessment.

13 ~~((4))~~ (6) A conservation district shall prepare an assessment
14 roll that implements the system of assessments approved by the county
15 legislative authority. The special assessments from the assessment
16 roll shall be spread by the county assessor as a separate item on the
17 tax rolls and shall be collected and accounted for with property taxes
18 by the county treasurer. The amount of a special assessment shall
19 constitute a lien against the land that shall be subject to the same
20 conditions as a tax lien, collected by the treasurer in the same manner
21 as delinquent real property taxes, and subject to the same interest
22 rate and penalty as for delinquent property taxes. The county
23 treasurer shall deduct an amount from the collected special
24 assessments, as established by the county legislative authority, to
25 cover the costs incurred by the county assessor and county treasurer in
26 spreading and collecting the special assessments, but not to exceed the
27 actual costs of such work.

28 ~~((5))~~ (7) The special assessments for a conservation district
29 shall not be spread on the tax rolls and shall not be collected with
30 property tax collections in the following year if, after the system of
31 assessments has been approved by the county legislative authority but
32 prior to the fifteenth day of December in that year, a petition has
33 been filed with the county legislative authority objecting to the
34 imposition of such special assessments, which petition has been signed
35 by at least twenty percent of the owners of land that would be subject
36 to the special assessments to be imposed for a conservation district.

1 **Sec. 56.** RCW 89.08.410 and 1989 c 18 s 2 are each amended to read
2 as follows:

3 The (~~state conservation~~) commission may authorize grants to
4 conservation districts from moneys appropriated to the commission for
5 such purposes as provided in this section. (~~Such~~) The grants shall
6 be made annually on or before the last day of June of each year and
7 shall be made only to those conservation districts that apply for the
8 grants. After all the grant requests have been submitted, the initial
9 grants in any year shall be made so that a conservation district shall
10 not receive a grant in excess of the lesser of: (1) An amount equal to
11 the total moneys obtained by the conservation district from all other
12 sources, other than any grants obtained from the state, during the
13 preceding calendar year; or (2) twenty-two thousand five hundred
14 dollars. If the appropriated moneys are insufficient to make the
15 maximum level of the initial grants, each grant amount shall be reduced
16 by an equal dollar amount until the total amount of the grants is equal
17 to the amount of the appropriation.

18 However, further grants shall be made to those conservation
19 districts that were limited to grants of twenty-two thousand five
20 hundred dollars if the appropriated moneys are in excess of the amount
21 of the initial distribution of grants, but the total of both grants to
22 any conservation district in any year shall not exceed an amount equal
23 to the total moneys obtained by that conservation district from all
24 other sources, other than any grants obtained from the state, during
25 the preceding calendar year. If the appropriated moneys are
26 insufficient to make the second distribution of grants, each grant
27 under the second distribution shall be reduced by an equal dollar
28 amount until the total amount of all the grants is equal to the amount
29 of the appropriation.

30 **Sec. 57.** RCW 35.63.230 and 2003 c 39 s 15 are each amended to read
31 as follows:

32 A permit required under this chapter for a watershed restoration
33 project as defined in RCW 89.08.460 (as recodified by this act) shall
34 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
35 recodified by this act). A fish habitat enhancement project meeting
36 the criteria of RCW 77.55.290(1) shall be reviewed and approved
37 according to the provisions of RCW 77.55.290.

1 **Sec. 58.** RCW 35A.63.250 and 2003 c 39 s 17 are each amended to
2 read as follows:

3 A permit required under this chapter for a watershed restoration
4 project as defined in RCW 89.08.460 (as recodified by this act) shall
5 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
6 recodified by this act). A fish habitat enhancement project meeting
7 the criteria of RCW 77.55.290(1) shall be reviewed and approved
8 according to the provisions of RCW 77.55.290.

9 **Sec. 59.** RCW 36.70.992 and 2003 c 39 s 20 are each amended to read
10 as follows:

11 A permit required under this chapter for a watershed restoration
12 project as defined in RCW 89.08.460 (as recodified by this act) shall
13 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
14 recodified by this act). A fish habitat enhancement project meeting
15 the criteria of RCW 77.55.290(1) shall be reviewed and approved
16 according to the provisions of RCW 77.55.290.

17 **Sec. 60.** RCW 36.70A.460 and 2003 c 39 s 21 are each amended to
18 read as follows:

19 A permit required under this chapter for a watershed restoration
20 project as defined in RCW 89.08.460 (as recodified by this act) shall
21 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
22 recodified by this act). A fish habitat enhancement project meeting
23 the criteria of RCW 77.55.290(1) shall be reviewed and approved
24 according to the provisions of RCW 77.55.290.

25 **Sec. 61.** RCW 43.21C.0382 and 2003 c 39 s 23 are each amended to
26 read as follows:

27 Decisions pertaining to watershed restoration projects as defined
28 in RCW 89.08.460 (as recodified by this act) are not subject to the
29 requirements of RCW 43.21C.030(2)(c). Decisions pertaining to fish
30 habitat enhancement projects meeting the criteria of RCW 77.55.290(1)
31 and being reviewed and approved according to the provisions of RCW
32 77.55.290 are not subject to the requirements of RCW 43.21C.030(2)(c).

33 **Sec. 62.** RCW 43.30.480 and 1995 c 378 s 13 are each amended to
34 read as follows:

1 A permit required by the department for a watershed restoration
2 project as defined in RCW 89.08.460 (as recodified by this act) shall
3 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
4 recodified by this act).

5 **Sec. 63.** RCW 77.55.210 and 1995 c 378 s 14 are each amended to
6 read as follows:

7 A hydraulic project approval required by the department for a
8 watershed restoration project as defined in RCW 89.08.460 (as
9 recodified by this act) shall be processed in compliance with RCW
10 89.08.450 through 89.08.510 (as recodified by this act).

11 **Sec. 64.** RCW 90.48.430 and 1995 c 378 s 15 are each amended to
12 read as follows:

13 A permit, certification, or other approval required by the
14 department for a watershed restoration project as defined in RCW
15 89.08.460 (as recodified by this act) shall be processed in compliance
16 with RCW 89.08.450 through 89.08.510 (as recodified by this act).
17 Public review of proposed watershed restoration projects may be
18 shortened or waived by the department.

19 **Sec. 65.** RCW 90.58.515 and 1995 c 378 s 16 are each amended to
20 read as follows:

21 Watershed restoration projects as defined in RCW 89.08.460 (as
22 recodified by this act) are exempt from the requirement to obtain a
23 substantial development permit. Local government shall review the
24 projects for consistency with the locally adopted shoreline master
25 program in an expeditious manner and shall issue its decision along
26 with any conditions within forty-five days of receiving a complete
27 consolidated application form from the applicant. No fee may be
28 charged for accepting and processing applications for watershed
29 restoration projects as used in this section.

30 **Sec. 66.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to
31 read as follows:

32 (1) The Puget Sound action team is created. The action team shall
33 consist of: The directors of the departments of ecology; agriculture;
34 natural resources; fish and wildlife; and community, trade, and

1 economic development; the secretaries of the departments of health and
2 transportation; the director of the parks and recreation commission;
3 the director of the interagency committee for outdoor recreation; the
4 administrative officer of the conservation commission designated in RCW
5 89.08.050 (as recodified by this act); one person representing cities,
6 appointed by the governor; one person representing counties, appointed
7 by the governor; one person representing federally recognized tribes,
8 appointed by the governor; and the chair of the action team. The
9 action team shall also include the following ex officio nonvoting
10 members: The regional director of the United States environmental
11 protection agency; the regional administrator of the national marine
12 fisheries service; and the regional supervisor of the United States
13 fish and wildlife service. The members representing cities and
14 counties shall each be reimbursed for travel expenses as provided in
15 RCW 43.03.050 and 43.03.060.

16 (2) The action team shall:

17 (a) Prepare a Puget Sound work plan and budget for inclusion in the
18 governor's biennial budget;

19 (b) Coordinate monitoring and research programs as provided in RCW
20 90.71.060;

21 (c) Work under the direction of the action team chair as provided
22 in RCW 90.71.040;

23 (d) Coordinate permitting requirements as necessary to expedite
24 permit issuance for any local watershed plan developed pursuant to
25 rules adopted under this chapter;

26 (e) Identify and resolve any policy or rule conflicts that may
27 exist between one or more agencies represented on the action team;

28 (f) Periodically amend the Puget Sound management plan;

29 (g) Enter into, amend, and terminate contracts with individuals,
30 corporations, or research institutions for the purposes of this
31 chapter;

32 (h) Receive such gifts, grants, and endowments, in trust or
33 otherwise, for the use and benefit of the purposes of the action team.
34 The action team may expend the same or any income therefrom according
35 to the terms of the gifts, grants, or endowments;

36 (i) Promote extensive public participation, and otherwise seek to
37 broadly disseminate information concerning Puget Sound;

38 (j) Receive and expend funding from other public agencies;

1 (k) To reduce costs and improve efficiency, review by December 1,
2 1996, all requirements for reports and documentation from state
3 agencies and local governments specified in the plan for the purpose of
4 eliminating and consolidating reporting requirements; and

5 (1) Beginning in December 1998, and every two years thereafter,
6 submit a report to the appropriate policy and fiscal committees of the
7 legislature that describes and evaluates the successes and shortcomings
8 of the current work plan relative to the priority problems identified
9 for each geographic area of Puget Sound.

10 (3) By July 1, 1996, the action team shall begin developing its
11 initial work plan, which shall include the coordination of necessary
12 support staff.

13 (4) The action team shall incorporate, to the maximum extent
14 possible, the recommendations of the council regarding amendments to
15 the Puget Sound management plan and the work plan.

16 (5) All proceedings of the action team are subject to the open
17 public meetings act under chapter 42.30 RCW.

18 NEW SECTION. **Sec. 67.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 68.** This act does not affect any existing right
23 acquired or liability or obligation incurred under the sections amended
24 in this act or under any rule or order adopted under those sections,
25 nor does it affect any proceeding instituted under those sections.

26 NEW SECTION. **Sec. 69.** The following sections are each recodified
27 as sections in the new chapter created in section 70 of this act: RCW
28 89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450,
29 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510,
30 89.08.520, 89.08.530, and 89.08.540.

31 NEW SECTION. **Sec. 70.** Section 1 of this act constitutes a new
32 chapter in Title 43 RCW.

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