

# SENATE BILL REPORT

## SHB 1747

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As Reported By Senate Committee On:  
Agriculture & Rural Economic Development, April 2, 1999

**Title:** An act relating to conservation district deannexation of municipalities, dissolution, and liability.

**Brief Description:** Changing conservation district provisions.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville and G. Chandler; by request of Washington State Conservation Commission).

**Brief History:**

**Committee Activity:** Agriculture & Rural Economic Development: 4/2/99 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Rasmussen, Chair; T. Sheldon, Vice Chair; Gardner, Honeyford, Morton, Stevens and Swecker.

**Staff:** Bob Lee (786-7404)

**Background:** A conservation district may be initiated by filing a petition with the Conservation Commission that is signed by 25 or more persons who have a property interest in or live in the affected area. Similarly, annexation of territory to a conservation district may be initiated by the occupiers of the lands to be included in the district. After a district has been organized for five years, 100 occupiers of lands within the district may file a petition with the commission to dissolve the district.

If a majority of votes cast at an election to dissolve a conservation district favor dissolution, the district is dissolved. If two-thirds of the votes cast oppose dissolution of the district, the commission must determine whether the continued existence of the district is practicable. If a conservation district is dissolved, the proceeds from the sale of district property are not required to be applied to the debts of the district.

A dissolution of a conservation district does not affect any contracts or obligations of the district. The Conservation Commission is required to assume all duties, liabilities, and powers of the district supervisors. If a petition to dissolve a district is rejected, no new petition for the dissolution of a district may be submitted for a period of five years.

No process exists for withdrawing a city or town from a conservation district. As new cities and towns incorporate, or as cities and towns annex territory, there is a greater likelihood of city or town property being included within a conservation district's boundaries.

**Summary of Amended Bill:** The number of residents required to sign a petition to initiate a conservation district, annex territory to an existing conservation district, or dissolve a conservation district is 20 percent of the registered voters occupying land within the area.

Language is removed which requires the Conservation Commission to consider whether the continued existence of a conservation district is practicable after a ballot measure to dissolve the district fails. If a district is dissolved, proceeds from the sale of district property must be used to pay any debts of the district and the remaining balance is paid to the State Treasurer.

The requirement for the Conservation Commission to assume the duties and liabilities of a dissolved conservation district is repealed. The prohibition against filing a petition for the dissolution of a district within five years after a dissolution election fails is repealed.

The legislative authority of a city or town may approve a petition to withdraw from the district by a majority vote. The petition must be submitted to the conservation district for its approval. If the conservation district approves the petition, it is submitted to the Conservation Commission. The Conservation Commission must notify the Secretary of State if the petition is approved in order to adjust the boundaries of the district. If a city and a conservation district disagree over the city's withdrawal from the conservation district, the petition is forwarded to the Conservation Commission to decide whether the city may withdraw from the district based upon criteria its has adopted by rule to address petitions in dispute.

**Amended Bill Compared to Substitute Bill:** The striking amendment provides that to vote in a conservation district election, the person must be a resident of the district.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** To avoid additional litigation, a process needs to be provided whereby incorporated cities and towns may petition to be removed from the conservation district.

**Testimony Against:** Agrees with direction of the bill but the Legislature should provide additional guidance to the State Conservation Commission to use to handle an appeal of a district board's denial of a city or town's petition to withdraw from a conservation district.

**Testified:** PRO: Don Stuart, Washington Association of Conservation Districts; Steve Meyer, Washington State Conservation Commission; Mike Ryherd, City of Federal Way (with amendment).