

2 **SSB 5904** - S AMD 064

3 By Senators Rasmussen, Swecker and Morton

4 ADOPTED 03/13/01

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

14 (a) Still be governed by other nonelection provisions of chapter
15 89.08 RCW;

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

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

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

22 (4) Candidates and conservation district supervisors in districts
23 that choose to have their elections governed under this title are
24 subject to chapter 42.17 RCW. Candidates and conservation district
25 supervisors in districts whose elections are governed under chapter
26 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

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

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

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

5 (3) The two appointed supervisors shall file with the secretary of
6 state a sworn application, reciting that a petition was filed with the
7 commission for the creation of the district; that all required
8 proceedings were had thereon; that they were appointed by the
9 commission as such supervisors; and that the application is being filed
10 to complete the organization of the district. It shall contain the
11 names and residences of the applicants, a certified copy of their
12 appointments, the name of the district, the location of the office of
13 the supervisors and the term of office of each applicant.

14 (4) The application shall be accompanied by a statement of the
15 commission, reciting that a petition was filed, notice issued, and
16 hearing held thereon as required; that it determined the need for the
17 district and defined the boundaries thereof; that notice was given and
18 an election held on the question of creating the district; that a
19 majority vote favored the district, and that the commission had
20 determined the district practicable; and shall set forth the boundaries
21 of the district.

22 NEW SECTION. Sec. 3. A new section is added to chapter 89.08 RCW
23 to read as follows:

24 Instead of providing for the election of supervisors under section
25 1 of this act or under this chapter, the board of supervisors may adopt
26 a resolution requesting that the legislative authority in the county or
27 counties in which the district is located appoint district electors to
28 serve as elected supervisors on the board. If requested to appoint
29 supervisors under this section, the legislative authority shall appoint
30 persons to serve as elected supervisors as the terms of current elected
31 supervisors expire. In making the appointments, the legislative
32 authority shall ensure that at least two of the elected supervisors are
33 landowners or operators of farms. If a district is located in more
34 than one county, the legislative authority of the counties in which the
35 district is located shall cooperate to jointly appoint the elected
36 supervisors. Conservation district supervisors in districts that
37 choose to have their supervisors appointed under this section are
38 exempted from the requirements of chapter 42.17 RCW.

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

3 Unless the context clearly indicates otherwise, as used in this
4 chapter:

5 (1) "Commission" and "state conservation commission" mean((s)) the
6 agency created hereunder. All former references to "state soil and
7 water conservation committee", "state committee" or "committee" shall
8 be deemed to be references to the "state conservation commission"((+)).

9 (2) "District", or "conservation district" means a governmental
10 subdivision of this state and a public body corporate and politic,
11 organized in accordance with the provisions of chapter 184, Laws of
12 1973 1st ex. sess., for the purposes, with the powers, and subject to
13 the restrictions set forth in this chapter. All districts created
14 under chapter 184, Laws of 1973 1st ex. sess. shall be known as
15 conservation districts and shall have all the powers and duties set out
16 in chapter 184, Laws of 1973 1st ex. sess. All references in chapter
17 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water
18 conservation districts" shall be deemed to be reference to
19 "conservation districts"((+)).

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

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

29 (5) "District elector" or "voter" means a registered voter in the
30 county where the district is located who resides within the district
31 boundary or in the area affected by a petition((+)).

32 (6) "Due notice" means a notice published at least twice, with at
33 least six days between publications, in a publication of general
34 circulation within the affected area, or if there is no such
35 publication, by posting at a reasonable number of public places within
36 the area, where it is customary to post notices concerning county and
37 municipal affairs. Any hearing held pursuant to due notice may be
38 postponed from time to time without a new notice((+)).

1 (7) "Renewable natural resources", "natural resources" or
2 "resources" includes land, air, water, vegetation, fish, wildlife, wild
3 rivers, wilderness, natural beauty, scenery and open space((+)).

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

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

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

31 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 immediately."

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3 ADOPTED 03/13/01

4 On page 1, line 1 of the title, after "Relating to" strike the
5 remainder of the title and insert "choosing conservation district
6 supervisors; amending RCW 89.08.160 and 89.08.020; adding a new section
7 to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and
8 declaring an emergency."

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