

EHB 2140 - S COMM AMD
By Committee on Agriculture

ADOPTED AS AMENDED 04/09/2003

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

9 (3) "Board" and "supervisors" mean the board of supervisors of a
10 conservation district.

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

13 (5) "District elector" or "voter" has the same meaning as in RCW
14 89.08.020.

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

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

18 (8) "Farm and agricultural land" has the same meaning as in RCW
19 89.08.020.

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

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

28 (2) The commission shall consist of ten members, five of whom are
29 ex officio. Two members shall be appointed by the governor~~((, one of~~

1 ~~whom shall be a landowner or operator of a farm. At least two of the~~
2 ~~three elected members shall be landowners or operators of a farm and~~
3 ~~shall be elected as herein provided)). Three members shall be elected~~
4 ~~as provided in subsection (4) of this section.~~

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

8 (4) At least two of the three elected members shall be landowners
9 or operators of a farm. The three elected members shall be elected for
10 three-year terms, with one (~~shall be~~) elected each year by the
11 district supervisors at their annual statewide meeting. One of the
12 members shall reside in eastern Washington, one in central Washington
13 and one in western Washington, with the specific boundaries to be
14 determined by district supervisors. (~~At the first such election, the~~
15 ~~term of the member from western Washington shall be one year, central~~
16 ~~Washington two years and eastern Washington three years, and successors~~
17 ~~shall be elected for three years.))~~

18 (5) Unexpired term vacancies in the office of appointed commission
19 members shall be filled by appointment by the governor in the same
20 manner as full-term appointments. Unexpired terms of elected
21 commission members shall be filled by the regional vice president of
22 the Washington association of conservation districts who is serving
23 that part of the state where the vacancy occurs, (~~such~~) for a term to
24 continue only until district supervisors can fill the unexpired term by
25 electing the commission member.

26 (6) The director of the department of ecology, the director of the
27 department of agriculture, the commissioner of public lands, the
28 president of the Washington association of conservation districts, and
29 the dean of the college of agriculture at Washington State University
30 shall be ex officio members of the commission. An ex officio member of
31 the commission shall hold office so long as he or she retains the
32 office by virtue of which he or she is a member of the commission. Ex
33 officio members may delegate their authority.

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

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

3 (1) Members of the commission shall be compensated in accordance
4 with RCW 43.03.240 and shall be entitled to travel expenses in
5 accordance with RCW 43.03.050 and 43.03.060 incurred in the discharge
6 of their duties.

7 (2) The commission shall keep a record of its official actions,
8 shall adopt a seal, which shall be judicially noticed, and may perform
9 such acts, hold such public hearings, and promulgate such rules and
10 regulations as may be necessary for the execution of its functions
11 under this chapter (~~((184, Laws of 1973 1st ex. sess))~~) and chapter 89.08
12 RCW.

13 (3) The (~~((state department of ecology))~~) office of financial
14 management is empowered to pay the travel expenses of the elected and
15 appointed members of the (~~((state conservation))~~) commission, and the
16 salaries, wages and other expenses of such administrative officers or
17 other employees as may be required under the provisions of this
18 chapter.

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

21 (1) The commission may employ an administrative officer(~~((7))~~) and
22 such temporary or permanent technical experts and (~~((such))~~) other agents
23 and employees(~~((, permanent and temporary))~~) as it may require(~~((, and))~~).
24 The commission shall determine (~~((their))~~) the qualifications, duties,
25 and compensation of its administrative officer, technical experts,
26 agents, and employees. The commission may call upon the attorney
27 general for (~~((such))~~) legal services as it may require.

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

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

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

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

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

6 Upon request of the commission, for the purpose of carrying out any
7 of ~~((its))~~ the commission's functions, the supervising officer of any
8 state agency or state institution of learning may, insofar as may be
9 possible under available appropriations and having due regard to the
10 needs of the agency to which the request is directed, assign or detail
11 to the commission, members of the staff or personnel of such agency or
12 institution of learning, and make such special reports, surveys, or
13 studies as the commission may request.

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

16 ~~((In addition to the duties and powers hereinafter conferred upon))~~
17 The commission~~((, it))~~ shall have the ~~((following duties and powers))~~
18 duty and power to:

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

23 ~~((a) to))~~ (2) Assist and guide districts in the preparation and
24 carrying out of programs for resource conservation authorized under
25 chapter ~~((184, Laws of 1973 1st ex. sess.))~~ 89.08 RCW;

26 ~~((b) to))~~ (3) Review district programs;

27 ~~((c) to))~~ (4) Coordinate the programs of the several districts and
28 resolve any conflicts in such programs;

29 ~~((d) to))~~ (5) Facilitate, promote, assist, harmonize, coordinate,
30 and guide the resource conservation programs and activities of
31 districts as they relate to other special purpose districts, counties,
32 and other public agencies~~((-))~~;

33 ~~((2) To))~~ (6) Keep the supervisors of each of the several
34 conservation districts ~~((organized under the provisions of chapter 184,~~
35 ~~Laws of 1973 1st ex. sess.))~~ informed of the activities and experience

1 of all other districts (~~organized hereunder~~), and (~~to~~) facilitate
2 an interchange of advice and experience (~~between such~~) among
3 districts and cooperation (~~between~~) among them(~~to~~);

4 (~~(3) To~~) (7) Review agreements, or forms of agreements, proposed
5 to be entered into by districts with other districts or with any state,
6 federal, interstate, or other public or private agency, organization,
7 or individual, and advise the districts concerning such agreements or
8 forms of agreements(~~to~~);

9 (~~(4) To~~) (8) Secure the cooperation and assistance of the United
10 States and any of its agencies, and of agencies of this state in the
11 work of such districts(~~to~~);

12 (~~(5) To~~) (9) Recommend the inclusion in annual and longer term
13 budgets and appropriation legislation of the state of Washington of
14 funds necessary for appropriation by the legislature to finance the
15 activities of the commission and the conservation districts; (~~to~~)
16 administer the provisions of any law (~~hereinafter~~) enacted by the
17 legislature appropriating funds for expenditure in connection with the
18 activities of conservation districts; (~~to~~) distribute to conservation
19 districts funds, equipment, supplies and services received by the
20 commission for that purpose from any source, subject to (~~such~~) any
21 applicable conditions (~~as shall be made applicable thereto~~) in any
22 state or federal statute or local ordinance making available such
23 funds, property or services; (~~to~~) issue regulations establishing
24 guidelines and suitable controls to govern the use by conservation
25 districts of such funds, property and services; and (~~to~~) review all
26 budgets, administrative procedures and operations of such districts and
27 advise the districts concerning their conformance with applicable laws
28 and regulations(~~to~~);

29 (~~(6) To~~) (10) Encourage the cooperation and collaboration of
30 state, federal, regional, interstate and local public and private
31 agencies with the conservation districts(~~to~~) and facilitate
32 arrangements under which the conservation districts may serve county
33 governing bodies and other agencies as their local operating agencies
34 in the administration of any activity concerned with the conservation
35 of renewable natural resources(~~to~~);

36 (~~(7) To~~) (11) Disseminate information throughout the state
37 concerning the activities and programs of the conservation districts

1 (~~organized hereunder, and to~~); encourage the formation of such
2 districts in areas (~~where~~) in which their organization is desirable;
3 (~~to~~) and make available information concerning the needs and the work
4 of the conservation districts and the commission to the governor, the
5 legislature, executive agencies of the government of this state,
6 political subdivisions of this state, cooperating federal agencies, and
7 the general public(~~(-)~~);

8 (~~(8)~~) (12) Receive, pursuant to procedures developed mutually by
9 the commission and other state and local agencies (~~that are~~)
10 authorized to plan or administer activities significantly affecting the
11 conservation of renewable natural resources, (~~to receive~~) from such
12 agencies for review and comment suitable descriptions of their plans,
13 programs and activities for purposes of coordination with district
14 conservation programs; (~~to~~) and arrange for and participate in
15 conferences necessary to avoid conflict among such plans and programs,
16 to call attention to omissions, and to avoid duplication of
17 effort(~~(-)~~);

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

21 (~~(10) To~~) (14) Assist conservation districts in obtaining legal
22 services from state and local legal officers(~~(-)~~);

23 (~~(11) To~~) (15) Require annual reports from conservation
24 districts, the form and content of which shall be developed by the
25 commission(~~(-)~~); and

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

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

32 The legislature declares that it is the goal of the state of
33 Washington to preserve and restore the natural resources of the state
34 and, in particular, fish and wildlife and their habitat. It is further
35 the policy of the state insofar as possible to utilize the commission

1 and conservation districts in these efforts and the volunteer
2 organizations who have demonstrated their commitment to these goals.

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

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

9 The definitions in this section apply throughout RCW 89.08.460
10 through 89.08.510 (as recodified by this act) unless the context
11 clearly requires otherwise(~~(, the definitions in this section shall~~
12 ~~apply throughout RCW 89.08.450 through 89.08.510))~~).

13 (1) "Watershed restoration plan" means a plan, developed or
14 sponsored by the department of fish and wildlife, the department of
15 ecology, the department of natural resources, the department of
16 transportation, a federally recognized Indian tribe acting within and
17 pursuant to its authority, a city, a county, or a conservation
18 district, that provides a general program and implementation measures
19 or actions for the preservation, restoration, re-creation, or
20 enhancement of the natural resources, character, and ecology of a
21 stream, stream segment, drainage area, or watershed, and for which
22 agency and public review has been conducted pursuant to chapter 43.21C
23 RCW, the state environmental policy act. If the implementation
24 measures or actions would have a probable significant, adverse
25 environmental impact, a detailed statement under RCW 43.21C.031 must be
26 prepared on the plan.

27 (2) "Watershed restoration project" means a public or private
28 project authorized by the sponsor of a watershed restoration plan that
29 implements the plan or a part of the plan and consists of one or more
30 of the following activities:

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

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

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

13 **Sec. 9.** RCW 89.08.470 and 1998 c 249 s 13 are each amended to read
14 as follows:

15 (1) (~~By January 1, 1996,~~) The (~~Washington conservation~~)
16 commission shall develop, in consultation with other state agencies,
17 tribes, and local governments, a consolidated application process for
18 permits for a watershed restoration project developed by an agency or
19 sponsored by an agency on behalf of a volunteer organization. The
20 consolidated process shall include a single permit application form for
21 use by all responsible state and local agencies. The commission shall
22 encourage use of the consolidated permit application process by any
23 federal agency responsible for issuance of related permits. The permit
24 application forms to be consolidated shall include, at a minimum,
25 applications for: (a) Approvals related to water quality standards
26 under chapter 90.48 RCW; (b) hydraulic project approvals under chapter
27 (~~75.20~~) 77.55 RCW; and (c) section 401 water quality certifications
28 under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

29 (2) If a watershed restoration project is also a fish habitat
30 enhancement project that meets the criteria of RCW (~~75.20.350~~)
31 77.55.290(1), the project sponsor shall instead follow the permit
32 review and approval process established in RCW (~~75.20.350~~) 77.55.290
33 with regard to state and local government permitting requirements. The
34 sponsor shall (~~se~~) notify state and local permitting authorities.

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

3 Each agency of the state and unit of local government that claims
4 jurisdiction or the right to require permits, other approvals, or fees
5 as a condition of allowing a watershed restoration project to proceed
6 shall:

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

9 (2) Inform the ((conservation)) commission of the designation.

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

12 All agencies of the state and local governments shall accept the
13 single application developed under RCW 89.08.470 (as recodified by this
14 act). Unless the procedures under RCW 89.08.500 (as recodified by this
15 act) are invoked, the application shall be processed without charge and
16 permit decisions shall be issued within forty-five days of the receipt
17 of a complete application.

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

20 The applicant or any state agency, tribe, or local government with
21 permit processing responsibility may request that the office of permit
22 assistance ~~((center))~~ created ~~((by chapter 347, Laws of 1995))~~ in
23 chapter 43.42 RCW appoint a project facilitator to develop in
24 consultation with the applicant and permit agencies a coordinated
25 process for permit decisions on the application. The process may
26 incorporate procedures for coordinating state permits under ~~((chapter~~
27 ~~347, Laws of 1995))~~ chapter 43.42 RCW. The ~~((center))~~ office shall
28 adopt a target of completing permit decisions within forty-five days of
29 receipt of a complete application.

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

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

34 State agencies, tribes, and local governments responsible for

1 permits or other approvals of watershed restoration projects as defined
2 in RCW 89.08.460 (as recodified by this act) may develop general
3 permits or permits by rule to address some or all projects required by
4 an approved watershed restoration plan, or for types of watershed
5 restoration projects. Nothing in this chapter (~~(378, Laws of 1995)~~)
6 precludes local governments, state agencies, and tribes from working
7 out other cooperative permitting agreements outside the procedures of
8 this chapter (~~(378, Laws of 1995)~~).

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

11 (1) In administering grant programs to improve water quality and
12 protect habitat, the commission shall require grant recipients to
13 incorporate the environmental benefits of the project into their grant
14 applications(~~(, and)~~). The commission shall utilize the statement of
15 environmental (~~(benefit[s])~~) benefits in its grant prioritization and
16 selection process.

17 (2) The commission shall also develop appropriate outcome-focused
18 performance measures to be used both for management and performance
19 assessment of the grant program. The commission shall work with the
20 districts to develop uniform performance measures across participating
21 districts.

22 (3) To the extent possible, the commission should coordinate its
23 performance measure system with other natural resource-related agencies
24 as defined in RCW 43.41.270.

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

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

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

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

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

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

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

10 (1) The agricultural conservation easements account is created in
11 the custody of the state treasurer. All receipts from legislative
12 appropriations, other sources as directed by the legislature, and
13 gifts, grants, or endowments from public or private sources must be
14 deposited into the account. Expenditures from the account may be used
15 only for the purchase of easements under the agricultural conservation
16 easements program. Only the ~~((state conservation))~~ commission, or the
17 executive director of the commission on the commission's behalf, may
18 authorize expenditures from the account. The account is subject to
19 allotment procedures under chapter 43.88 RCW, but an appropriation is
20 not required for expenditures.

21 (2) The commission is authorized to receive and expend gifts,
22 grants, or endowments from public or private sources that are made
23 available, in trust or otherwise, for the use and benefit of the
24 agricultural conservation easements program.

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

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

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

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

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

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

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

10 (6) Failure by any land occupier to conserve the soil and control
11 erosion upon his or her lands may cause a washing and blowing of soil
12 from his or her lands onto other lands and makes the conservation of
13 soil and control of erosion on such other lands difficult or
14 impossible(~~,and that~~);

15 (7) Extensive denuding of land for development creates critical
16 erosion areas that are difficult to effectively regenerate, and the
17 resulting sediment causes extensive pollution of streams, ponds, lakes,
18 and other waters(~~-~~);

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

21 (a) Silting and sedimentation of stream channels, reservoirs, dams,
22 ditches, and harbors, and loading of the air with soil particles;
23 (~~the~~)

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

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

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

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

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

35 (g) Blowing and washing of soil into streams, which silts over
36 spawning beds(~~-~~) and destroys water plants, diminishing the food
37 supply of fish; (~~a~~)

1 (h) Diminishing of the underground water reserve, which causes
2 water shortages, intensifies periods of drought, and causes crop
3 failures; ~~((an))~~

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

7 (j) Impoverishment of families attempting to farm eroding and
8 eroded lands; damage to roads, highways, railways, buildings, and other
9 property from floods and from dust storms; and losses in navigation,
10 hydroelectric power, municipal water supply, irrigation developments,
11 farming and grazing~~((-))~~;

12 ~~((3- That))~~ (9) To conserve soil resources and control and prevent
13 soil erosion and prevent flood water and sediment damages, and further
14 agricultural and nonagricultural phases of the conservation,
15 development, utilization, and disposal of water, it is necessary that
16 land-use practices contributing to soil wastage and soil erosion be
17 discouraged and discontinued~~((-))~~ and that appropriate soil-conserving
18 land-use practices, and works of improvement for flood prevention of
19 agricultural and nonagricultural phases of the conservation,
20 development, utilization, and disposal of water be adopted and
21 ~~((carried out))~~ implemented; ~~((that))~~ and

22 (10) Among the procedures necessary for widespread adoption~~((-))~~
23 are the:

24 (a) Carrying on of engineering operations ~~((such as))~~ including but
25 not limited to the construction of terraces, terrace outlets, check-
26 dams, desilting basins, flood water retarding structures, channel
27 floodways, dikes, ponds, and ditches~~((,-and-the-like))~~; ~~((the))~~

28 (b) Utilization of strip cropping, contour cultivating, and contour
29 furrowing;

30 (c) Land irrigation;

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

34 (e) Forestation and reforestation;

35 (f) Rotation of crops;

36 (g) Soil stabilizations with trees, grasses, legumes, and other

1 thick-growing, soil-holding crops, retardation of run-off by increasing
2 absorption of rainfall; and

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

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

28 NEW SECTION. Sec. 18. A new section is added to chapter 89.08 RCW
29 to read as follows:

30 (1) The legislature finds that there is a pressing need for the
31 conservation of renewable resources in all areas of the state, whether
32 urban, suburban, or rural. The legislature also finds that the
33 benefits of resource practices, programs, and projects, as carried out
34 by the commission and by the conservation districts, should be
35 available to all such areas. Therefore, the legislature declares it is
36 the policy of the state to provide for the:

1 (a) Conservation of the renewable resources of this state;
2 (b) Control and prevention of soil erosion;
3 (c) Prevention of flood water and sediment damages; and
4 (d) Furthering of agricultural and nonagricultural phases of
5 conservation, development, utilization, and disposal of water.

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

9 (a) Preserve natural resources;
10 (b) Control floods;
11 (c) Prevent impairment of dams and reservoirs;
12 (d) Assist in maintaining the navigability of rivers and harbors;
13 (e) Preserve wildlife;
14 (f) Protect the tax base and public lands; and
15 (g) Promote the health, safety, and general welfare of the people
16 of this state.

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

19 All incorporated cities and towns previously excluded from the
20 boundaries of a conservation district may be approved by the commission
21 as being included in and deemed a part of the district upon receiving
22 a petition for annexation signed by the governing authority of the city
23 or town and the conservation district within the exterior boundaries of
24 which it lies in whole or in part or to which it lies closest.

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

27 The definitions in this section apply throughout this chapter
28 unless the context clearly (~~indicates~~) requires otherwise(~~(, as used~~
29 ~~in this chapter:))~~).

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

33 (a) Farm woodlots fewer than twenty and more than five acres and
34 the land on which appurtenances necessary to production, preparation,

1 or sale of the agricultural products exist in conjunction with the
2 lands producing such products; and

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

8 (2) "Board" and "supervisors" mean the board of supervisors of a
9 conservation district.

10 (3) "Commission" ((and "state conservation commission")) means the
11 ((agency created hereunder. All former references to "state soil and
12 water conservation committee", "state committee" or "committee" shall
13 be deemed to be references to the "state conservation commission";))
14 Washington state conservation commission created in section 2 of this
15 act.

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

19 (5) "Conservation district" or "district"((, or "conservation
20 district")) means a governmental subdivision of this state and a public
21 body corporate and politic, organized in accordance with the provisions
22 of this chapter ((184, Laws of 1973 1st ex. sess., for the purposes,
23 with the powers, and subject to the restrictions set forth in this
24 chapter. All districts created under chapter 184, Laws of 1973 1st ex.
25 sess. shall be known as conservation districts and shall have all the
26 powers and duties set out in chapter 184, Laws of 1973 1st ex. sess.
27 All references in chapter 184, Laws of 1973 1st ex. sess. to
28 "districts", or "soil and water conservation districts" shall be deemed
29 to be reference to "conservation districts";

30 "Board" and "supervisors" mean the board of supervisors of a
31 conservation district;)).

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

35 (7) "Farm and agricultural land" includes the lands defined as
36 "agricultural lands" in subsection (1) of this section and any of the
37 following lands:

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

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

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

13 (8) "Land occupier" or "occupier of land" includes any person,
14 firm, political subdivision, government agency, municipality, public or
15 private corporation, copartnership, association, or any other entity
16 whatsoever (~~which~~) that holds title to, or is in possession of, any
17 lands lying within a district organized under the provisions of this
18 chapter (~~(184, Laws of 1973 1st ex. sess.)~~), whether as owner, lessee,
19 renter, tenant, or otherwise(~~(+)~~).

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

23 ~~"Due") (9) "Notice" means a notice published at least twice, with~~
24 ~~at least six days between publications, in a publication of general~~
25 ~~circulation within the affected area, or if there is no such~~
26 ~~publication, by posting at a reasonable number of public places within~~
27 ~~the area, where it is customary to post notices concerning county and~~
28 ~~municipal affairs. (~~(Any hearing held pursuant to due notice may be~~~~
29 ~~postponed from time to time without a new notice;)~~

30 (10) "Renewable natural resources", "natural resources" or
31 "resources" includes land, air, water, vegetation, fish, wildlife, wild
32 rivers, wilderness, natural beauty, scenery and open space(~~(+~~

33 ~~"Conservation" includes conservation, development, improvement,~~
34 ~~maintenance, preservation, protection and use, and alleviation of~~
35 ~~floodwater and sediment damages, and the disposal of excess surface~~
36 ~~waters.~~

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

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

22 All districts created under this chapter shall be known as
23 conservation districts and shall have all the powers and duties set out
24 in this chapter. All references in this chapter to "districts" or
25 "soil and water conservation districts" shall be deemed to be
26 references to "conservation districts" or "districts" as defined in
27 this chapter.

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

30 ~~((To form a conservation district,))~~ (1) Twenty percent of the
31 voters within the area to be affected may file a petition with the
32 commission ~~((asking))~~ requesting that the area be organized into a
33 district.

34 (2) The petition shall:

35 (a) Give the name of the proposed district~~((7))~~i

1 **(b)** State that ~~((it))~~ the district is needed in the interest of the
2 public health, safety, and welfare~~((τ))~~;

3 **(c)** Give a general description of the area proposed to be
4 organized; and

5 **(d)** Request that the commission determine that ~~((it))~~ the district
6 be created~~((τ))~~ and that ~~((it))~~ the commission define the district
7 boundaries ~~((thereof))~~ and call an election on the question of creating
8 the district.

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

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

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

16 **(2)** If it appears to the commission that additional land should be
17 included in the district, the hearing shall be adjourned ~~((and))~~. The
18 commission shall issue a new notice ~~((given))~~ covering the entire area
19 and set a new date ~~((fixed))~~ for further hearing, unless waiver of
20 notice by the owners of the additional land is filed with the
21 commission.

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

27 **NEW SECTION. Sec. 24.** A new section is added to chapter 89.08 RCW
28 to read as follows:

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

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

34 **(1)** After the hearing held according to RCW 89.08.090, ~~((if))~~ the

1 commission (~~(finds that)~~) shall determine whether the public health,
2 safety, and welfare warrant the creation of the district(~~(, it)~~). If
3 it determines that creation of the district is warranted, the
4 commission shall enter an order to that effect and define the
5 boundaries (~~(thereof)~~) of the district by metes and bounds or by legal
6 subdivisions.

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

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

13 (a) Topography of the particular area and of the state generally;
14 (~~(the)~~)

15 (b) Composition of the soil; (~~(the)~~)

16 (c) Distribution of erosion; (~~(the)~~)

17 (d) Prevailing land use practices; (~~(the)~~)

18 (e) Effects upon and benefits to the land proposed to be included;
19 (~~(the)~~)

20 (f) Relation of the area to existing watersheds and agricultural
21 regions and to other similar districts organized or proposed; and
22 (~~(consider such)~~)

23 (g) Other relevant physical, geographical, and economic factors
24 (~~(as are relevant.~~

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

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

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

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

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

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

11 "☐ For creation of a conservation district of the lands below
12 described and lying in the county or counties of ,
13 and ," and

14 "☐ Against creation of a conservation district of the lands below
15 described and lying in the county or counties of ,
16 and "

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

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

22 (1) The commission shall give (~~((due))~~) notice of the election(~~((7~~
23 ~~which))~~) as defined in RCW 89.08.020. The notice shall state generally
24 the purpose and date of the election(~~((7 the date thereof~~7~~))~~) and the
25 place and hours of voting(~~((7 and))~~). The notice shall also set forth
26 the boundaries of the proposed district.

27 (2) Only qualified district electors within the proposed district
28 (~~((as determined by the commission))~~) may vote at the election. The
29 commission shall determine the qualified district electors within the
30 proposed district.

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

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

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

3 (2) The commission shall issue regulations governing all hearings
4 and elections and establish procedures for determining whether
5 districts are warranted and practicable as required by RCW 89.08.100
6 and 89.08.110.

7 (3) The commission shall supervise the conduct (~~(thereof)~~) of
8 elections. (~~(It)~~)

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

11 (5) No informality in connection with the election shall invalidate
12 the results(~~(,)~~) if the notice (~~(thereof)~~) of the election was
13 substantially given(~~(,)~~) and the election fairly conducted.

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

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

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

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

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

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

24 (c) The size of the majority vote;

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

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

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

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

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

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

3 (1) If the commission finds ((the project)) creation of the
4 district practicable, ((it)) the commission shall appoint two
5 supervisors, one of whom shall be a landowner or operator of a farm,
6 who shall be qualified by training and experience to perform the
7 specialized skilled services required of them. They, with the three
8 ((elected)) supervisors, two of whom shall be landowners or operators
9 of a farm elected according to RCW 89.08.190, shall constitute the
10 governing board of the district.

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

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

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

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

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

21 (3) The application of the appointed supervisors shall contain the
22 names and residences of the applicants, a certified copy of their
23 appointments, the name of the district, the location of the office of
24 the supervisors and the term of office of each applicant.

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

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

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

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

33 (d) A majority vote favored the district((, and that));

34 (e) The commission had determined the district practicable; and

35 (f) The commission shall set forth the boundaries of the district.

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

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

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

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

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

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

30 The name of a conservation district may be changed upon
31 recommendation by the supervisors of a district and approval by the
32 commission and the secretary of state. The new name shall be recorded
33 by the secretary of state following the same general procedure in RCW
34 89.08.170 for the previous name.

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

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

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

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

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

35 ~~When districts are combined or territory is moved from one district~~
36 ~~to another, the property, records and accounts of the districts~~
37 ~~involved shall be distributed to the remaining district or districts as~~

1 ~~approved by the commission. A new certificate of organization, naming~~
2 ~~and describing the new district or districts, shall be issued by the~~
3 ~~secretary of state.))~~

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

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

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

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

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

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

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

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

32 (2) If the petition to withdraw is approved by the district, the
33 petition shall be sent to the commission. The commission shall approve

1 the petition and forward it to the secretary of state and the boundary
2 of the district shall be adjusted accordingly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (1) Except as provided in subsection (2) of this section, the term
34 of office of each appointed or elected supervisor shall be three years
35 and until his or her successor is appointed or elected and qualified((,
36 except that)).

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

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

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

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

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

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

25 (7) The governing board shall designate a chairman from time to
26 time.

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

29 (1) The supervisors may:

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

34 (b) Call upon the attorney general for legal services(~~(,)~~) or
35 (~~may~~) employ its own counsel and legal staff(~~(. The supervisors~~
36 ~~may)~~); and

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

4 (2) The board of supervisors shall:

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

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

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

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

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

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

35 The board may invite the legislative body of any municipality or
36 county near or within the district to designate a representative to

1 advise and consult with it on all questions of program and policy that
2 may affect the property, water supply, or other interests of such
3 municipality or county.

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

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

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

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

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

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

31 (3) All district funds shall be paid to the treasurer and disbursed
32 only on warrants issued by an auditor appointed by the board of
33 supervisors, upon orders or vouchers approved by it. The treasurer
34 shall establish a conservation district fund into which shall be paid

1 all district funds. The treasurer shall maintain any special funds
2 created by the board of supervisors for the placement of all money as
3 the board of supervisors may, by resolution, direct.

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

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

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

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

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

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

1 ~~((2) To)~~ (b) Conduct educational and demonstrational projects on
2 any lands within the district upon obtaining the consent of the
3 occupier of such lands and such necessary rights or interests in such
4 lands as may be required in order to demonstrate by example the means,
5 methods, measures, and works of improvement by which the conservation
6 of renewable natural resources may be carried out;

7 ~~((3) To)~~ (c) Carry out preventative and control measures and
8 works of improvement for the conservation of renewable natural
9 resources, within the district including, but not limited to,
10 engineering operations, methods of cultivation, the growing of
11 vegetation, changes in use of lands, and the measures listed in RCW
12 89.08.010, on any lands within the district upon obtaining the consent
13 of the occupier of such lands and such necessary rights or interests in
14 such lands as may be required;

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

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

1 ~~((6) To)~~ (f) Make available, on such terms, as it shall
2 prescribe, to land occupiers within the district, agricultural and
3 engineering machinery and equipment, fertilizer, seeds, seedlings, and
4 such other equipment and material as will assist them to carry on
5 operations upon their lands for the conservation of renewable natural
6 resources;

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

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

35 ~~The districts shall hold public hearings at appropriate times in
36 connection with the preparation of programs and plans, shall give
37 careful consideration to the views expressed and problems revealed in~~

1 hearings, and shall keep the public informed concerning their programs,
2 plans, and activities. Occupiers of land shall be invited to submit
3 proposals for consideration to such hearings. The districts may
4 supplement such hearings with meetings, referenda and other suitable
5 means to determine the wishes of interested parties and the general
6 public in regard to current and proposed plans and programs of a
7 district. They shall confer with public and private agencies,
8 individually and in groups, to give and obtain information and
9 understanding of the impact of district operations upon agriculture,
10 forestry, water supply and quality, flood control, particular
11 industries, commercial concerns and other public and private interests,
12 both rural and urban.

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

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

26 ((+8) To)) (h) Administer any project or program concerned with the
27 conservation of renewable natural resources located within its
28 boundaries that is undertaken by any federal, state, or other public
29 agency by entering into a contract or other appropriate administrative
30 arrangement with any agency administering such project or program;

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

34 ((+10) To)) (j) Accept donations, gifts, and contributions in
35 money, services, materials, or otherwise, from the United States or any
36 of its agencies, from this state or any of its agencies, or from any

1 other source, and ~~((to))~~ use or expend such moneys, services,
2 materials, or any contributions in carrying out the purposes of this
3 chapter ~~((184, Laws 1973 1st ex. sess.))~~; and

4 ~~((11) To))~~ (k) Sue and be sued in the name of the district; ~~((to))~~
5 have a seal which shall be judicially noticed; have perpetual
6 succession unless terminated as ~~((hereinafter))~~ provided in this
7 chapter; ~~((to))~~ make and execute contracts and other instruments,
8 necessary or convenient to the exercise of its powers; ~~((to))~~ borrow
9 money and ~~((to))~~ pledge, mortgage, and assign the income of the
10 district and its real or personal property ~~((therefor))~~; and ~~((to))~~
11 make~~((r))~~ and amend rules and regulations not inconsistent with this
12 chapter ~~((184, Laws of 1973 1st ex. sess.))~~ and ~~((to))~~ carry into
13 effect its purposes~~((r~~

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

21 ~~Any district may enter into such agreements with a district or~~
22 ~~districts in adjoining states to carry out such purposes if the law in~~
23 ~~such other states permits the districts in such states to enter into~~
24 ~~such agreements.~~

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

27 ~~(13) Every district shall, through public hearings, annual~~
28 ~~meetings, publications, or other means, keep the general public,~~
29 ~~agencies and occupiers of land within the district, informed of the~~
30 ~~works and activities planned and administered by the district, of the~~
31 ~~purposes these will serve, of the income and expenditures of the~~
32 ~~district, of the funds borrowed by the district and the purposes for~~
33 ~~which such funds are expended, and of the results achieved annually by~~
34 ~~the district; and~~

35 ~~(14) The supervisors of conservation districts may designate an~~
36 ~~area, state, and national association of conservation districts as a~~
37 ~~coordinating agency in the execution of the duties imposed by this~~

1 ~~chapter, and to make gifts in the form of dues, quotas, or otherwise to~~
2 ~~such associations for costs of services rendered, and may support and~~
3 ~~attend such meetings as may be required to promote and perfect the~~
4 ~~organization and to effect its purposes)).~~

5 NEW SECTION. **Sec. 45.** A new section is added to chapter 89.08 RCW
6 to read as follows:

7 A comprehensive long-range program recommending the conservation of
8 all the renewable natural resources of the district that is adopted as
9 authorized by RCW 89.08.220(2)(g) shall be directed toward the best use
10 of renewable natural resources and in a manner that will best meet the
11 needs of the district and the state, taking into consideration, where
12 appropriate, such uses as farming, grazing, timber supply, forests,
13 parks, outdoor recreation, potable water supplies for urban and rural
14 areas, water for agriculture, minimal flow, and industrial uses,
15 watershed stabilization, control of soil erosion, retardation of water
16 run-off, flood prevention and control, reservoirs and other water
17 storage, restriction of developments of flood plains, protection of
18 open space and scenery, preservation of natural beauty, protection of
19 fish and wildlife, preservation of wilderness areas and wild rivers,
20 the prevention or reduction of sedimentation and other pollution in
21 rivers and other waters, and such location of highways, schools,
22 housing developments, industries, airports, and other facilities and
23 structures as will fit the needs of the state and be consistent with
24 the best uses of the renewable natural resources of the state. The
25 program shall include an inventory of all renewable natural resources
26 in the district, a compilation of current resource needs, projections
27 of future resource requirements, priorities for various resource
28 activities, projected timetables, descriptions of available
29 alternatives, and provisions for coordination with other resource
30 programs.

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

35 The districts shall hold public hearings at appropriate times in
36 connection with the preparation of programs and plans, shall give

1 careful consideration to the views expressed and problems revealed in
2 hearings, and shall keep the public informed concerning their programs,
3 plans, and activities. Occupiers of land shall be invited to submit
4 proposals for consideration to such hearings. The districts may
5 supplement such hearings with meetings, referenda, and other suitable
6 means to determine the wishes of interested parties and the general
7 public in regard to current and proposed plans and programs of a
8 district. They shall confer with public and private agencies,
9 individually and in groups, to give and obtain information and
10 understanding of the impact of district operations upon agriculture,
11 forestry, water supply and quality, flood control, particular
12 industries, commercial concerns, and other public and private
13 interests, both rural and urban.

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

16 The long-range renewable natural resource program, together with
17 the supplemental annual work plans, developed by each district under
18 the foregoing procedures shall have official status as the authorized
19 program of the district, and it shall be published by the districts as
20 its renewable resources program. Copies shall be made available by the
21 districts to the appropriate counties, municipalities, special purpose
22 districts, and state agencies, and shall be made available in
23 convenient places for examination by public land occupier or private
24 interest concerned. Summaries of the program and selected material
25 therefrom shall be distributed as widely as feasible for public
26 information.

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

29 (1) Any two or more districts may engage in joint activities by
30 agreement between or among them in planning, financing, constructing,
31 operating, maintaining, and administering any program or project
32 concerned with the conservation of renewable natural resources. The
33 districts concerned may make available for purposes of the agreement
34 any funds, property, personnel, equipment, or services available to
35 them under this chapter.

1 (2) Any district may enter into such agreements with a district or
2 districts in adjoining states to carry out such purposes if the law in
3 such other states permits the districts in such states to enter into
4 such agreements.

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

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

10 (1) Every district shall, through public hearings, annual meetings,
11 publications, or other means, keep the general public, agencies, and
12 occupiers of land within the district, informed of the works and
13 activities planned and administered by the district, of the purposes
14 these will serve, of the income and expenditures of the district, of
15 the funds borrowed by the district and the purposes for which such
16 funds are expended, and of the results achieved annually by the
17 district.

18 (2) Every district also shall provide to the commission the
19 information disseminated according to subsection (1) of this section.

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

22 The supervisors of conservation districts may designate an area,
23 state, and national association of conservation districts as a
24 coordinating agency in the execution of the duties imposed by this
25 chapter. The supervisors shall inform the commission of any such
26 designation. The supervisors of conservation districts may make gifts
27 in the form of dues, quotas, or otherwise to such associations for
28 costs of services rendered and may support and attend such meetings as
29 may be required to promote and perfect the organization and to effect
30 its purposes.

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

33 (1) Any agency of the government of this state and any local
34 political subdivision of this state is hereby authorized to make such

1 arrangements with any district, through contract, regulation or other
2 appropriate means, wherever it believes that such arrangements will
3 promote administrative efficiency or economy.

4 (2) In connection with any ~~((such))~~ arrangements authorized under
5 subsection (1) of this section, any state or local agency or political
6 subdivision of this state is authorized, within the limits of funds
7 available to it, to contribute funds, equipment, property or services
8 to any district; and to collaborate with a district in jointly
9 planning, constructing, financing or operating any work or activity
10 provided for in such arrangements and in the joint acquisition,
11 maintenance and operation of equipment or facilities in connection
12 therewith.

13 (3) The commission and other state agencies, the districts, and
14 ~~((other))~~ local agencies are authorized to make available to each other
15 maps, reports and data in their possession that are useful in the
16 preparation of their respective programs and plans for resource
17 conservation. The districts shall keep the commission, other state
18 agencies, and local agencies fully informed ~~((concerning))~~ of the
19 status and progress of the preparation of their resource conservation
20 programs and plans.

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

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

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

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

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

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

7 If a majority of the votes cast at the election are for
8 dissolution, the district shall be dissolved. Under such
9 circumstances, the commission shall enter an order dissolving the
10 district.

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

13 (1) If the district is ordered dissolved, the supervisors shall
14 ((forthwith)) promptly terminate the affairs of the district ((and)),
15 dispose of all district property at public auction, and ((pay)) use the
16 proceeds ((therefrom)) from the auction to pay any debts of the
17 district ((and)). Any remaining balance shall be paid to the state
18 treasurer.

19 ((They)) (2) After satisfying the requirements of subsection (1) of
20 this section, the supervisors shall then file a verified application
21 with the secretary of state for the dissolution of the district((τ))
22 accompanied by a certificate of the commission reciting the
23 determination that further operation of the district is impracticable.
24 The application shall recite that:

- 25 (a) The property of the district has been disposed of((τ-that));
- 26 (b) The proceeds ((therefrom)) from the property have been used to
27 pay any debts of the district; and
- 28 (c) Any remaining balance has been paid to the state treasurer,
29 ((and contain)) accompanied by a full accounting of the property and
30 proceeds. ((Thereupon))

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

1 (4) The supervisors also shall file the application required by
2 subsection (2) of this section with the commission.

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

5 Insofar as any of the provisions of this chapter are inconsistent
6 with the provisions of any other law, the provisions of this chapter
7 shall be controlling(~~(: PROVIDED, HOWEVER, That)~~). None of the
8 provisions of this chapter shall be construed so as to impair water
9 rights appurtenant to lands within or without the boundaries of any
10 district or districts organized (~~hereunder~~) according to this
11 chapter.

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

14 Insofar as any of the provisions of this chapter are inconsistent
15 with the provisions of any other law, the provisions of this chapter
16 shall be controlling(~~(: PROVIDED, HOWEVER, That)~~). None of the
17 provisions of this chapter shall be construed so as to impair water
18 rights appurtenant to lands within or without the boundaries of any
19 district or districts organized (~~hereunder~~) according to this
20 chapter.

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

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

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

32 (b) The supervisors of a conservation district shall hold a public
33 hearing on a proposed system of assessments prior to the first day of
34 August in the year prior to which it is proposed that the initial

1 special assessments be collected. At that public hearing, the
2 supervisors shall gather information and shall alter the proposed
3 system of assessments when appropriate, including the number of years
4 during which it is proposed that the special assessments be imposed.

5 (c) On or before the first day of August in that year, the
6 supervisors of a conservation district shall file the proposed system
7 of assessments, indicating the years during which it is proposed that
8 the special assessments shall be imposed, and a proposed budget for the
9 succeeding year with the county legislative authority of the county
10 within which the conservation district is located and with the
11 commission. The county legislative authority shall hold a public
12 hearing on the proposed system of assessments. After the hearing, the
13 county legislative authority may accept, or modify and accept, the
14 proposed system of assessments, including the number of years during
15 which the special assessments shall be imposed, if it finds that both
16 the public interest will be served by the imposition of the special
17 assessments and that the special assessments to be imposed on any land
18 will not exceed the special benefit that the land receives or will
19 receive from the activities of the conservation district.

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

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

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

31 (3) A system of assessments shall classify lands in the
32 conservation district into suitable classifications according to
33 benefits conferred or to be conferred by the activities of the
34 conservation district, determine an annual per acre rate of assessment
35 for each classification of land, and indicate the total amount of
36 special assessments proposed to be obtained from each classification of
37 lands. Lands deemed not to receive benefit from the activities of the

1 conservation district shall be placed into a separate classification
2 and shall not be subject to the special assessments. An annual
3 assessment rate shall be stated as either uniform annual per acre
4 amount, or an annual flat rate per parcel plus a uniform annual rate
5 per acre amount, for each classification of land. The maximum annual
6 per acre special assessment rate shall not exceed ten cents per acre.
7 The maximum annual per parcel rate shall not exceed five dollars.

8 (4) Public land, including lands owned or held by the state, shall
9 be subject to special assessments to the same extent as privately owned
10 lands. The procedures provided in chapter 79.44 RCW shall be followed
11 if lands owned or held by the state are subject to the special
12 assessments of a conservation district.

13 (5) Forest lands used solely for the planting, growing, or
14 harvesting of trees may be subject to special assessments if such lands
15 benefit from the activities of the conservation district, but the per
16 acre rate of special assessment on benefited forest lands shall not
17 exceed one-tenth of the weighted average per acre assessment on all
18 other lands within the conservation district that are subject to its
19 special assessments. The calculation of the weighted average per acre
20 special assessment shall be a ratio calculated as follows: (a) The
21 numerator shall be the total amount of money estimated to be derived
22 from the imposition of per acre special assessments on the nonforest
23 lands in the conservation district; and (b) the denominator shall be
24 the total number of nonforest land acres in the conservation district
25 that receive benefit from the activities of the conservation district
26 and which are subject to the special assessments of the conservation
27 district. No more than ten thousand acres of such forest lands that is
28 both owned by the same person or entity and is located in the same
29 conservation district may be subject to the special assessments that
30 are imposed for that conservation district in any year. Per parcel
31 charges shall not be imposed on forest land parcels. However, in lieu
32 of a per parcel charge, a charge of up to three dollars per forest
33 landowner may be imposed on each owner of forest lands whose forest
34 lands are subject to a per acre rate of assessment.

35 ~~((4))~~ (6) A conservation district shall prepare an assessment
36 roll that implements the system of assessments approved by the county
37 legislative authority. The special assessments from the assessment

1 roll shall be spread by the county assessor as a separate item on the
2 tax rolls and shall be collected and accounted for with property taxes
3 by the county treasurer. The amount of a special assessment shall
4 constitute a lien against the land that shall be subject to the same
5 conditions as a tax lien, collected by the treasurer in the same manner
6 as delinquent real property taxes, and subject to the same interest
7 rate and penalty as for delinquent property taxes. The county
8 treasurer shall deduct an amount from the collected special
9 assessments, as established by the county legislative authority, to
10 cover the costs incurred by the county assessor and county treasurer in
11 spreading and collecting the special assessments, but not to exceed the
12 actual costs of such work.

13 ~~((+5))~~ (7) The special assessments for a conservation district
14 shall not be spread on the tax rolls and shall not be collected with
15 property tax collections in the following year if, after the system of
16 assessments has been approved by the county legislative authority but
17 prior to the fifteenth day of December in that year, a petition has
18 been filed with the county legislative authority objecting to the
19 imposition of such special assessments, which petition has been signed
20 by at least twenty percent of the owners of land that would be subject
21 to the special assessments to be imposed for a conservation district.

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

24 (1) The ~~((state conservation))~~ commission may authorize grants to
25 conservation districts from moneys appropriated to the commission for
26 such purposes as provided in this section. ~~((Such))~~ The grants shall
27 be made annually on or before the last day of June of each year and
28 shall be made only to those conservation districts that apply for the
29 grants. After all the grant requests have been submitted, the initial
30 grants in any year shall be made so that a conservation district shall
31 not receive a grant in excess of the lesser of: ~~((+1))~~ (a) An amount
32 equal to the total moneys obtained by the conservation district from
33 all other sources, other than any grants obtained from the state,
34 during the preceding calendar year; or ~~((+2))~~ (b) twenty-two thousand
35 five hundred dollars. If the appropriated moneys are insufficient to

1 make the maximum level of the initial grants, each grant amount shall
2 be reduced by an equal dollar amount until the total amount of the
3 grants is equal to the amount of the appropriation.

4 However, further grants shall be made to those conservation
5 districts that were limited to grants of twenty-two thousand five
6 hundred dollars if the appropriated moneys are in excess of the amount
7 of the initial distribution of grants, but the total of both grants to
8 any conservation district in any year shall not exceed an amount equal
9 to the total moneys obtained by that conservation district from all
10 other sources, other than any grants obtained from the state, during
11 the preceding calendar year. If the appropriated moneys are
12 insufficient to make the second distribution of grants, each grant
13 under the second distribution shall be reduced by an equal dollar
14 amount until the total amount of all the grants is equal to the amount
15 of the appropriation.

16 (2) At the request of the legislature, the commission shall provide
17 a report to the appropriate committees of the legislature describing
18 the grants made according to this section.

19 **Sec. 57.** RCW 89.08.440 and 1997 c 295 s 3 are each amended to read
20 as follows:

21 (1) For the purpose of identifying property that may qualify for
22 the exemption provided under RCW 84.36.255, each conservation district
23 shall develop and maintain a list of best management practices that
24 qualify for the exemption. The districts shall submit these lists of
25 best management practices to the commission.

26 (2) Each conservation district shall ensure that the appropriate
27 forms approved by the department of revenue are made available to
28 property owners who may qualify for the exemption under RCW 84.36.255
29 and shall certify claims for exemption as provided in RCW 84.36.255(3).

30 **Sec. 58.** RCW 35.63.230 and 1998 c 249 s 5 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

1 recodified by this act). A fish habitat enhancement project meeting
2 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
3 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

4 **Sec. 59.** RCW 35A.63.250 and 1998 c 249 s 6 are each amended to
5 read as follows:

6 A permit required under this chapter for a watershed restoration
7 project as defined in RCW 89.08.460 (as recodified by this act) shall
8 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
9 recodified by this act). A fish habitat enhancement project meeting
10 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
11 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

12 **Sec. 60.** RCW 36.70.992 and 1998 c 249 s 7 are each amended to read
13 as follows:

14 A permit required under this chapter for a watershed restoration
15 project as defined in RCW 89.08.460 (as recodified by this act) shall
16 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
17 recodified by this act). A fish habitat enhancement project meeting
18 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
19 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

20 **Sec. 61.** RCW 36.70A.460 and 1998 c 249 s 11 are each amended to
21 read as follows:

22 A permit required under this chapter for a watershed restoration
23 project as defined in RCW 89.08.460 (as recodified by this act) shall
24 be processed in compliance with RCW 89.08.450 through 89.08.510 (as
25 recodified by this act). A fish habitat enhancement project meeting
26 the criteria of RCW ((~~75.20.350~~)) 77.55.290(1) shall be reviewed and
27 approved according to the provisions of RCW ((~~75.20.350~~)) 77.55.290.

28 **Sec. 62.** RCW 43.21C.0382 and 1998 c 249 s 12 are each amended to
29 read as follows:

30 Decisions pertaining to watershed restoration projects as defined
31 in RCW 89.08.460 (as recodified by this act) are not subject to the
32 requirements of RCW 43.21C.030(2)(c). Decisions pertaining to fish
33 habitat enhancement projects meeting the criteria of RCW ((~~75.20.350~~))

1 77.55.290(1) and being reviewed and approved according to the
2 provisions of RCW (~~75.20.350~~) 77.55.290 are not subject to the
3 requirements of RCW 43.21C.030(2)(c).

4 **Sec. 63.** RCW 43.30.410 and 1995 c 378 s 13 are each amended to
5 read as follows:

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

10 **Sec. 64.** RCW 77.55.210 and 1995 c 378 s 14 are each amended to
11 read as follows:

12 A hydraulic project approval required by the department for a
13 watershed restoration project as defined in RCW 89.08.460 (as
14 recodified by this act) shall be processed in compliance with RCW
15 89.08.450 through 89.08.510 (as recodified by this act).

16 **Sec. 65.** RCW 90.48.430 and 1995 c 378 s 15 are each amended to
17 read as follows:

18 A permit, certification, or other approval required by the
19 department for a watershed restoration project as defined in RCW
20 89.08.460 (as recodified by this act) shall be processed in compliance
21 with RCW 89.08.450 through 89.08.510 (as recodified by this act).
22 Public review of proposed watershed restoration projects may be
23 shortened or waived by the department.

24 **Sec. 66.** RCW 90.58.515 and 1995 c 378 s 16 are each amended to
25 read as follows:

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

1 charged for accepting and processing applications for watershed
2 restoration projects as used in this section.

3 **Sec. 67.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to
4 read as follows:

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

23 (2) The action team shall:

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

26 (b) Coordinate monitoring and research programs as provided in RCW
27 90.71.060;

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

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

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

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

1 (g) Enter into, amend, and terminate contracts with individuals,
2 corporations, or research institutions for the purposes of this
3 chapter;

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

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

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

11 (k) To reduce costs and improve efficiency, review by December 1,
12 1996, all requirements for reports and documentation from state
13 agencies and local governments specified in the plan for the purpose of
14 eliminating and consolidating reporting requirements; and

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

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

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

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

28 NEW SECTION. **Sec. 68.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 69.** This act does not affect any existing right
33 acquired or liability or obligation incurred under the sections amended
34 in this act or under any rule or order adopted under those sections,
35 nor does it affect any proceeding instituted under those sections.

1 NEW SECTION. **Sec. 70.** The following sections are each recodified
2 as sections in the new chapter created in section 71 of this act:
3 RCW89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450,
4 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510,
5 89.08.520, 89.08.530, and 89.08.540.

6 NEW SECTION. **Sec. 71.** Section 1 of this act constitutes a new
7 chapter in Title 43 RCW."

EHB 2140 - S COMM AMD
By Committee on Agriculture

ADOPTED AS AMENDED 04/09/2003

8 On page 1, line 2 of the title, after "commission;" strike the
9 remainder of the title and insert "amending RCW 89.08.030, 89.08.040,
10 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470,
11 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530,
12 89.08.540, 89.08.010, 89.08.020, 89.08.080, 89.08.090, 89.08.100,
13 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.150, 89.08.160,
14 89.08.170, 89.08.180, 89.08.185, 89.08.190, 89.08.200, 89.08.210,
15 89.08.215, 89.08.220, 89.08.341, 89.08.350, 89.08.360, 89.08.370,
16 89.08.390, 89.08.391, 89.08.400, 89.08.410, 89.08.440, 35.63.230,
17 35A.63.250, 36.70.992, 36.70A.460, 43.21C.0382, 43.30.410, 77.55.210,
18 90.48.430, 90.58.515, and 90.71.020; adding new sections to chapter
19 89.08 RCW; adding a new chapter to Title 43 RCW; creating a new
20 section; and recodifying 89.08.030, 89.08.040, 89.08.050, 89.08.060,
21 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490,
22 89.08.500, 89.08.510, 89.08.520, 89.08.530, and 89.08.540."

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