

2 **SHB 1747** - S COMM AMD

3 By Committee on Agriculture & Rural Economic Development

4 ADOPTED 4/14/99

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

7 "Sec. 1. RCW 89.08.020 and 1973 1st ex.s. c 184 s 3 are each
8 amended to read as follows:

9 Unless the context clearly indicates otherwise, as used in this
10 chapter:

11 "Commission" and "state conservation commission" means the agency
12 created hereunder. All former references to "state soil and water
13 conservation committee", "state committee" or "committee" shall be
14 deemed to be references to the "state conservation commission";

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

27 "Board" and "supervisors" mean the board of supervisors of a
28 conservation district;

29 "Land occupier" or "occupier of land" includes any person, firm,
30 political subdivision, government agency, municipality, public or
31 private corporation, copartnership, association, or any other entity
32 whatsoever which holds title to, or is in possession of, any lands
33 lying within a district organized under the provisions of (~~this 1973~~
34 ~~amendatory act~~) chapter 184, Laws of 1973 1st ex. sess., whether as
35 owner, lessee, renter, tenant, or otherwise;

1 "District elector" or "voter" means a (~~qualified county elector~~
2 ~~occupying land~~) registered voter in the county where the district is
3 located who resides within the district boundary or in the area
4 affected by a petition;

5 "Due notice" means a notice published at least twice, with at least
6 six days between publications, in a publication of general circulation
7 within the affected area, or if there is no such publication, by
8 posting at a reasonable number of public places within the area, where
9 it is customary to post notices concerning county and municipal
10 affairs. Any hearing held pursuant to due notice may be postponed from
11 time to time without a new notice;

12 "Renewable natural resources", "natural resources" or "resources"
13 includes land, air, water, vegetation, fish, wildlife, wild rivers,
14 wilderness, natural beauty, scenery and open space;

15 "Conservation" includes conservation, development, improvement,
16 maintenance, preservation, protection and use, and alleviation of
17 floodwater and sediment damages, and the disposal of excess surface
18 waters.

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

1 **Sec. 2.** RCW 89.08.080 and 1973 1st ex.s. c 184 s 9 are each
2 amended to read as follows:

3 To form a conservation district, (~~((twenty-five or more persons~~
4 ~~occupying land))~~) twenty percent of the voters within the area to be
5 affected may file a petition with the commission asking that the area
6 be organized into a district.

7 The petition shall give the name of the proposed district, state
8 that it is needed in the interest of the public health, safety, and
9 welfare, give a general description of the area proposed to be
10 organized and request that the commission determine that it be created,
11 and that it define the boundaries thereof and call an election on the
12 question of creating the district.

13 If more than one petition is filed covering parts of the same area,
14 the commission may consolidate all or any of them.

15 **Sec. 3.** RCW 89.08.110 and 1973 1st ex.s. c 184 s 12 are each
16 amended to read as follows:

17 If the commission finds that the district is needed, it shall then
18 determine whether it is practicable. To assist the commission in
19 determining this question, it shall, within a reasonable time, submit
20 the proposition to a vote of the (~~(land occupiers))~~) district electors
21 in the proposed district.

22 The commission shall fix the date of the election, designate the
23 polling places, fix the hours for opening and closing the polls, and
24 appoint the election officials. The election shall be conducted, the
25 vote counted and returns canvassed and the results published by the
26 commission.

27 **Sec. 4.** RCW 89.08.130 and 1973 1st ex.s. c 184 s 14 are each
28 amended to read as follows:

29 The commission shall give due notice of the election, which shall
30 state generally the purpose of the election, the date thereof, the
31 place and hours of voting, and set forth the boundaries of the proposed
32 district.

33 Only qualified district electors within the proposed district as
34 determined by the commission may vote at the election. Each voter
35 shall vote in the polling place nearest (~~(his))~~) the voter's residence.
36 (~~((If he resides outside the district, he shall vote at the nearest~~
37 ~~polling place of the district.))~~)

1 **Sec. 5.** RCW 89.08.150 and 1973 1st ex.s. c 184 s 16 are each
2 amended to read as follows:

3 If a majority of the votes cast at the election are against the
4 creation of the district, the commission shall deny the petition. If
5 a majority favor the district, the commission shall determine the
6 practicability of the project.

7 In making such determination, the commission shall consider the
8 attitude of the ((~~land occupiers~~)) voters of the district; the number
9 of eligible voters who voted at the election; the size of the majority
10 vote; the wealth and income of the land occupiers; the probable expense
11 of carrying out the project; and any other economic factors relevant
12 thereto.

13 If the commission finds that the project is impracticable it shall
14 enter an order to that effect and deny the petition. When the petition
15 has been denied, no new petition covering the same or substantially the
16 same area may be filed within six months therefrom.

17 **Sec. 6.** RCW 89.08.180 and 1973 1st ex.s. c 184 s 19 are each
18 amended to read as follows:

19 Territory may be added to an existing district upon filing a
20 petition as in the case of formation with the commission by ((~~occupiers~~
21 ~~of the lands~~)) twenty percent of the voters of the affected area to be
22 included. The same procedure shall be followed as for the creation of
23 the district.

24 As an alternate procedure, the commission may upon the petition of
25 a majority of the ((~~land occupiers~~)) voters in any one or more
26 districts or in unorganized territory adjoining a conservation district
27 change the boundaries of a district, or districts, if such action will
28 promote the practical and feasible administration of such district or
29 districts.

30 Upon petition of the boards of supervisors of two or more
31 districts, the commission may approve the combining of all or parts of
32 such districts and name the district, or districts, with the approval
33 of the name by the secretary of state. A public hearing and/or a
34 referendum may be held if deemed necessary or desirable by the
35 commission in order to determine the wishes of ((~~land occupiers~~)) the
36 voters.

37 When districts are combined, the joint boards of supervisors will
38 first select a chairman, secretary and other necessary officers and

1 select a regular date for meetings. All elected supervisors will
2 continue to serve as members of the board until the expiration of their
3 current term of office, and/or until the election date nearest their
4 expiration date. All appointed supervisors will continue to serve
5 until the expiration of their current term of office, at which time the
6 commission will make the necessary appointments. In the event that
7 more than two districts are combined, a similar procedure will be set
8 up and administered by the commission.

9 When districts are combined or territory is moved from one district
10 to another, the property, records and accounts of the districts
11 involved shall be distributed to the remaining district or districts as
12 approved by the commission. A new certificate of organization, naming
13 and describing the new district or districts, shall be issued by the
14 secretary of state.

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

17 The local governing body of any city or incorporated town within an
18 existing district may approve by majority vote a petition to withdraw
19 from the district. The petition shall be submitted to the district for
20 its approval. If approved by the district, the petition shall be sent
21 to the commission. The commission shall approve the petition and
22 forward it to the secretary of state and the boundary of the district
23 shall be adjusted accordingly. If the petition is not approved by the
24 district, the district shall adopt a resolution specifying the reasons
25 why the petition is not approved. The petition and the district's
26 resolution shall be sent to the commission for its review. The
27 commission shall approve or reject the petition based upon criteria it
28 has adopted for the evaluation of petitions in dispute. If the
29 commission approves the petition, it shall forward the petition to the
30 secretary of state and the boundaries of the district shall be adjusted
31 accordingly. The criteria used by the commission to evaluate petitions
32 which are in dispute shall be adopted as rules by the commission under
33 chapter 34.05 RCW, the administrative procedure act.

34 **Sec. 8.** RCW 89.08.350 and 1973 1st ex.s. c 184 s 25 are each
35 amended to read as follows:

36 At any time after five years from the organization of a district,
37 (~~one hundred land occupiers~~) twenty percent of the voters in the

1 district may file with the commission a petition, praying that the
2 district be dissolved. The commission may hold public hearings
3 thereon, and within sixty days from receipt of the petition, shall give
4 due notice of an election on the question of dissolution. It shall
5 provide appropriate ballots, conduct the election, canvass the returns,
6 and declare the results in the same manner as for elections to create
7 a district.

8 All district electors may vote at the election. No informality
9 relating to the election shall invalidate it if notice is substantially
10 given and the election is fairly conducted.

11 **Sec. 9.** RCW 89.08.360 and 1973 1st ex.s. c 184 s 26 are each
12 amended to read as follows:

13 If a majority of the votes cast at the election are for
14 dissolution, the district shall be dissolved. ~~((If two-thirds of the
15 votes are against dissolution, the commission shall determine whether
16 the continuance of the district is practicable. In making the
17 determination it shall consider all the factors considered by it in
18 determining that the district was practicable originally. If it finds
19 that further operation of the district is impracticable it shall order
20 it dissolved and certify its determination to the supervisors.))~~

21 **Sec. 10.** RCW 89.08.370 and 1973 1st ex.s. c 184 s 27 are each
22 amended to read as follows:

23 If the district is ordered dissolved, the supervisors shall
24 forthwith terminate the affairs of the district and dispose of all
25 district property at public auction, and pay the proceeds therefrom to
26 pay any debts of the district and any remaining balance to the state
27 treasurer.

28 They shall then file a verified application with the secretary of
29 state for the dissolution of the district, accompanied by a certificate
30 of the commission reciting the determination that further operation of
31 the district is impracticable. The application shall recite that the
32 property of the district has been disposed of, that the proceeds
33 therefrom have been used to pay any debts of the district and any
34 remaining balance paid to the treasurer, and contain a full accounting
35 of the property and proceeds. Thereupon the secretary shall issue to
36 the supervisors a certificate of dissolution and file a copy thereof in
37 his or her records.

