
SUBSTITUTE HOUSE BILL 1747

State of Washington

56th Legislature

1999 Regular Session

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

Read first time 03/01/1999.

1 AN ACT Relating to conservation district deannexation of
2 municipalities, dissolution, and liability; amending RCW 89.08.080,
3 89.08.180, 89.08.350, 89.08.360, and 89.08.370; adding a new section to
4 chapter 89.08 RCW; and repealing RCW 89.08.380.

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

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

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

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

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

1 **Sec. 2.** RCW 89.08.180 and 1973 1st ex.s. c 184 s 19 are each
2 amended to read as follows:

3 Territory may be added to an existing district upon filing a
4 petition as in the case of formation with the commission by ((occupiers
5 of)) twenty percent of the registered voters occupying the lands to be
6 included. The same procedure shall be followed as for the creation of
7 the district.

8 As an alternate procedure, the commission may upon the petition of
9 a majority of the land occupiers in any one or more districts or in
10 unorganized territory adjoining a conservation district change the
11 boundaries of a district, or districts, if such action will promote the
12 practical and feasible administration of such district or districts.

13 Upon petition of the boards of supervisors of two or more
14 districts, the commission may approve the combining of all or parts of
15 such districts and name the district, or districts, with the approval
16 of the name by the secretary of state. A public hearing and/or a
17 referendum may be held if deemed necessary or desirable by the
18 commission in order to determine the wishes of land occupiers.

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

29 When districts are combined or territory is moved from one district
30 to another, the property, records and accounts of the districts
31 involved shall be distributed to the remaining district or districts as
32 approved by the commission. A new certificate of organization, naming
33 and describing the new district or districts, shall be issued by the
34 secretary of state.

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

37 The local governing body of any city or incorporated town within an
38 existing district may approve by majority vote a petition to withdraw

1 from the district. The petition shall be submitted to the district for
2 its approval. If approved by the district, the petition shall be sent
3 to the commission. The commission shall approve the petition and
4 forward it to the secretary of state and the boundary of the district
5 shall be adjusted accordingly. If the petition is not approved by the
6 district, the district shall adopt a resolution specifying the reasons
7 why the petition is not approved. The petition and the district's
8 resolution shall be sent to the commission for its review. The
9 commission shall approve or reject the petition based upon criteria it
10 has adopted for the evaluation of petitions in dispute. If the
11 commission approves the petition, it shall forward the petition to the
12 secretary of state and the boundaries of the district shall be adjusted
13 accordingly. The criteria used by the commission to evaluate petitions
14 which are in dispute shall be adopted as rules by the commission under
15 chapter 34.05 RCW, the administrative procedure act.

16 **Sec. 4.** RCW 89.08.350 and 1973 1st ex.s. c 184 s 25 are each
17 amended to read as follows:

18 At any time after five years from the organization of a district,
19 ~~((one hundred land occupiers))~~ twenty percent of the registered voters
20 occupying land in the district may file with the commission a petition,
21 praying that the district be dissolved. The commission may hold public
22 hearings thereon, and within sixty days from receipt of the petition,
23 shall give due notice of an election on the question of dissolution.
24 It shall provide appropriate ballots, conduct the election, canvass the
25 returns, and declare the results in the same manner as for elections to
26 create a district.

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

30 **Sec. 5.** RCW 89.08.360 and 1973 1st ex.s. c 184 s 26 are each
31 amended to read as follows:

32 If a majority of the votes cast at the election are for
33 dissolution, the district shall be dissolved. ~~((If two-thirds of the~~
34 ~~votes are against dissolution, the commission shall determine whether~~
35 ~~the continuance of the district is practicable. In making the~~
36 ~~determination it shall consider all the factors considered by it in~~
37 ~~determining that the district was practicable originally. If it finds~~

1 ~~that further operation of the district is impracticable it shall order~~
2 ~~it dissolved and certify its determination to the supervisors.))~~

3 **Sec. 6.** RCW 89.08.370 and 1973 1st ex.s. c 184 s 27 are each
4 amended to read as follows:

5 If the district is ordered dissolved, the supervisors shall
6 forthwith terminate the affairs of the district and dispose of all
7 district property at public auction, and pay the proceeds therefrom to
8 pay any debts of the district and any remaining balance to the state
9 treasurer.

10 They shall then file a verified application with the secretary of
11 state for the dissolution of the district, accompanied by a certificate
12 of the commission reciting the determination that further operation of
13 the district is impracticable. The application shall recite that the
14 property of the district has been disposed of, that the proceeds
15 therefrom have been used to pay any debts of the district and any
16 remaining balance paid to the treasurer, and contain a full accounting
17 of the property and proceeds. Thereupon the secretary shall issue to
18 the supervisors a certificate of dissolution and file a copy thereof in
19 his records.

20 NEW SECTION. **Sec. 7.** RCW 89.08.380 and 1973 1st ex.s. c 184 s 28
21 & 1955 c 304 s 28 are each repealed.

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