

HOUSE BILL REPORT

SSB 6572

As Passed House:

March 5, 2002

Title: An act relating to conservation district supervisors.

Brief Description: Regarding conservation district supervisors.

Sponsors: By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Morton, Carlson and Benton).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/25/02, 2/26/02 [DP].

Floor Activity:

Passed House: 3/5/02, 92-5.

Brief Summary of Substitute Bill

- Specifies elections of conservation district supervisors are to be conducted according to the conservation district chapter election process.
- Specifies conservation district supervisors and their elections are not subject to public disclosure requirements.
- Creates a seven-member work group on conservation district elections.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 10 members: Representatives Linville, Chair; Schoesler, Ranking Minority Member; Chandler, Delvin, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Minority Report: Do not pass. Signed by 2 members: Representatives Hunt, Vice Chair; and Dunshee.

Staff: Caroleen Dineen (786-7156).

Background:

Conservation districts (districts) are created to conduct activities related to conservation of renewable natural resources, including research, surveys, investigations, educational programs, and technical assistance. With county legislative authority approval, districts may impose special assessments for activities and programs to conserve natural resources. The Conservation Commission (commission), a state agency, assists districts and coordinates their programs. District creation, governance, activities, and dissolution are specified in Chapter 89.08 RCW.

Districts are governed by boards of five supervisors. Two of these supervisors are appointed by the commission, and three are elected. At least one of the appointed supervisors and at least two of the elected supervisors must be landowners or farm operators. The commission manages the initial supervisor election for new districts and establishes election procedures for districts to use in subsequent elections. In addition, the commission canvasses returns and announces the official results of all supervisor elections. Supervisors serve three-year terms.

Title 29 RCW generally governs elections in Washington. Among other provisions, elections statutes provide for timing of elections, filing processes, and primary requirements. Election provisions apply to local elections, including special district elections, with certain exceptions. One exception is for district elections at which property ownership is a prerequisite to voting.

In 1999 the Legislature amended conservation district statutes, changing the term "land occupiers" to "voters" in various provisions governing district elector definitions and district creation, annexation, and dissolution elections. *1999 Laws of Washington, Chapter 305*. In July 2001 the Attorney General issued a formal opinion concluding that the 1999 amendments eliminating the property prerequisite caused the district supervisor elections to be subject to general election laws in Title 29 RCW. AGO 2001 No. 4.

Summary of Substitute Bill:

Conservation district (district) elections are specifically exempt from the general election timing provisions. Elections of district supervisors are not to be considered general or special elections for purposes of campaign disclosure and personal financial affairs reporting requirements of the public disclosure statutes. Further, elected district supervisors are not to be considered elected officials for purposes of personal financial affairs reporting requirements of the public disclosure statutes.

Elections of district supervisors in 2002 are to be set during the second quarter of the year. In other years, these elections continue to be held in the first quarter of each year.

A seven-member work group on district elections is created. The work group is to include a chair with expertise in local elections appointed by a statewide organization of

county auditors. The other six members, appointed by the President of the Senate and the Speaker of the House, are to have the following qualifications:

- two landowners currently serving as district supervisors selected from a list of nominees of a statewide organization representing district supervisors;
- two landowners not currently serving as district supervisors selected from a list of nominees of a statewide dairy organization and a statewide agricultural organization;
- one person knowledgeable about district operations selected from a list of nominees of a statewide environmental organization; and
- one representative of county governments selected from a list of nominees of the Washington State Association of Counties.

The work group must conduct a review of district election procedures and prepare recommendations for changes and improvements to the procedures, including supervisor eligibility requirements, oversight and certification of district elections, application of public disclosure requirements, cost of proposed election procedure changes and methods for payment of those costs, and actions by the state Conservation Commission to implement the work group's recommendations. No additional funding may be appropriated for the work group. The work group must provide progress reports as requested by the appropriate committees of the Legislature and must submit a report of its findings and recommendations to the Legislature by December 15, 2002. The Open Public Meetings Act applies to work group meetings.

Legislative intent is included to specify elections of district supervisors are to be conducted under the district statutes, chapter 89.08 RCW, and to state the 1999 amendments to district statutes were not intended to apply public disclosure requirements to district supervisors.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The Attorney General Opinion on the 1999 amendments to the conservation district statutes caused some conservation districts to go on the general election ballot. Conservation districts do not have the money to pay for general elections. A lot of work was done during the interim on this issue, and this bill is a good compromise. This bill takes conservation district elections back to the conservation district process and establishes a work group to consider stakeholder input with regard to

changes in district election laws.

The public disclosure provisions were added to ensure that conservation district supervisors are not subject to filing requirements. Supervisors in some rural districts are concerned about the effect of having to disclose personal financial information on their ability to do business in small communities. The work group is required to address the public disclosure issue.

Testimony Against: Conservation district supervisors are currently the only officials who can grant themselves money. These are the types of officials who should be subject to public disclosure filing requirements. Some conservation districts include large population bases and handle large amounts of money. Section 4 of the bill should be eliminated.

Testified: (In support) Senator Rasmussen, prime sponsor; Pat McGregor, Washington Association of Conservation Districts; and Fred Poulman, Thurston County Conservation Districts.

(Against) Rowland Thompson, Allied Daily Newspapers.