
**Agriculture & Ecology
Committee**

HB 2339

Brief Description: Revising election procedures for conservation districts.

Sponsors: Representatives Linville and Schoesler.

Brief Summary of Bill

- Allows conservation districts to choose to the conservation district chapter election process or the general election process for supervisor elections.
- Specifies procedures for districts choosing the general election process.
- Changes district supervisors' terms to four years.

Hearing Date: 1/22/02

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, including soil and water. 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.

A district may be initiated by filing a petition with the Commission signed by 20 percent of the voters occupying land within the affected area. If it determines the district is needed, the Commission submits the proposal to create the district to a vote of district electors. Upon a majority vote favoring the proposed district, the Commission must determine the proposed district's practicability.

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.

At the initial election, the three candidates with the most votes are elected supervisors, serving staggered terms of one to three years. The initial appointed supervisors serve one-year and two-year terms. Elected and appointed supervisors thereafter serve three-year terms and until a successor is appointed or elected.

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's Office 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 Bill:

Conservation districts (districts) may choose to use the district election process specified in Chapter 89.08 RCW or the general election process specified in Title 29. Conservation district elections are specifically exempt from the general election timing and primary provisions. A new chapter is created in Title 29 RCW to govern districts choosing to conduct supervisor elections under the general election process.

All non-election provisions of Chapter 89.08 RCW continue to apply to those districts choosing the general election process. Boards of supervisors must include at least one appointed supervisor and at least two elected supervisors who are landowners or farm operators under both election methods.

Districts choosing the general election process must notify any affected county auditors by May 1 of the year in which the elections are to be conducted. With this notice the district must produce proof of an existing special assessment to provide funding for conducting elections in the general election process. Districts using the general election process are solely responsible for the costs of holding elections under that process.

District supervisors' terms are changed from three to four years. Initial appointed supervisors are to serve staggered terms for two and four years from the date of appointment. For initial elected supervisors, terms are staggered for two, three and four years.

References to "voters" are changed to "district electors" in statutes relating to district creation, annexation, and dissolution. The definition of "district elector" is not changed.

Appropriation: None.

Fiscal Note: Available.

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