

SENATE BILL REPORT

ESSB 5904

As Passed Senate, March 13, 2001

Title: An act relating to choosing conservation district supervisors.

Brief Description: Revising procedures for choosing conservation district supervisors.

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

Brief History:

Committee Activity: Agriculture & International Trade: 2/23/01, 2/28/01 [DPS].
Passed Senate: 3/13/01, 47-1.

SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

Majority Report: That Substitute Senate Bill No. 5904 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Snyder, Spanel and Swecker.

Staff: David Johnson (786-7754)

Background: Conservation districts are units of local government formed to coordinate soil and water conservation efforts. Washington's conservation district law, Chapter 89.08 RCW, was first enacted in 1939. Conservation districts are governed by three elected supervisors and two appointed by the state Conservation Commission. At least three of the five supervisors must be landowners or operators of farms within the district. Districts have the power to impose special assessments against land to finance their activities, subject to approval by the county legislative authority.

Conservation district elections have been governed under specific election laws in Chapter 89.08 RCW. Recently, some have voiced the opinion that the law requires them to be governed under the general election laws.

Summary of Bill: Conservation districts may choose to administer their elections under the existing conservation district election laws of RCW 89.08, under the general election law of Title 29, or have their county legislative authority appoint supervisors. Conservation districts who choose the general election laws are responsible for the costs and are subject to other non-election laws relating to conservation districts.

Supervisors elected in a district under the general election laws are subject to public disclosure requirements. Supervisors elected under the existing specific conservation district election laws or appointed by the county legislative authority are not subject to public disclosure requirements.

The term elected supervisor– is defined to include the three supervisors not appointed by the Conservation Commission, whether they are elected or appointed by the county legislative authority. If a conservation district chooses to have supervisors appointed instead of elected and the district is located in more than one county, then the counties must jointly appoint the supervisors.

All conservation districts must have landowners or farm operators as two of the three elected supervisors, and one of the two appointed supervisors.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Conservation districts are being increasingly influenced by urbanites who have no connection with the land. This bill will protect the system that has worked for the last 50 years. If public disclosure is required of all districts, then many rural areas will not be able to recruit supervisors for a job that pays only expenses. It is already difficult to find volunteers to be supervisors. Other local officials are not subject to public disclosure. The cost of general election balloting is tremendous, \$1.5 million statewide. Districts already have difficulties raising money and grant funds couldn't be used for elections. This money would be better spent on the ground for conservation projects. The bill corrects a misinterpretation of a previous change in the law. Each district ought to have the choice of which set of laws best fits their needs. There is no consensus among districts about going on the general election ballot.

Testimony Against: Sixteen other states put their districts on the general ballot. The districts voted to go on the general ballot at their last meeting. Access to the ballot box should not be limited. All districts receive public money and do projects that affect every person so everyone should be able to vote. It would be difficult for auditors to verify who is eligible to vote.

Testified: Senator Scott Barr, Steven Co. Conservation District (pro); Pat McGregor, WA Assn. of Conservation Districts (con); Steve Meyer, Conservation Commission (con); Suzanne Sinclair, Island County Auditor (pro); Walter A. George, S. Yakima County (pro); David Stadelman, Upper Grant Conservation District (pro); John Preston, Warden Conservation District; Dale Gries, Moses Lake Conservation District (pro); Jim Armstrong, Spokane County Conservation District (con); Jim Senis, Mason Conservation District (con); Gerald Scheele, Spokane County Conservation District (con); Nick Somero, Pacific Conservation District (con); Curtis R. Hennings, Adams Conservation District (pro); Bob Allison, Warden Conservation District (pro).

House Amendment(s): The amendment: (1) removes provisions authorizing a conservation district to request that the legislative authority of the county or counties in which the district is located appoint district electors to serve as the board's elected supervisors; (2) adds the requirement for conservation districts choosing the general election process to notify affected county auditors by May 1 of the year in which the election is to be conducted; and (3) adds

provisions authorizing conservation districts using the general election process for supervisor elections to impose assessments without county legislative authority approval.