
ENGROSSED SUBSTITUTE HOUSE BILL 1502

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler, Grant, Schoesler and Mastin)

Read first time . Referred to Committee on .

1 AN ACT Relating to conservation districts; amending RCW 89.08.160,
2 89.08.020, 89.08.400, and 89.08.200; adding a new section to chapter
3 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.04 RCW
7 to read as follows:

8 (1) Nothing in this title shall apply to conservation districts
9 governed under chapter 89.08 RCW, unless a conservation district
10 chooses to have its elections governed under this title.

11 (2) A conservation district choosing to have its elections governed
12 under this title shall:

13 (a) Still be governed by other nonelection provisions of chapter
14 89.08 RCW;

15 (b) Still be governed by RCW 89.08.160(2); and

16 (c) Remain solely responsible for the costs of holding elections
17 under this title.

18 (3) Any conservation district choosing to have its elections
19 governed under this title shall make the choice and provide notice to

1 any affected county auditors by May 1st in the year in which the
2 election is to be conducted.

3 (4) Candidates and conservation district supervisors in districts
4 that choose to have their elections governed under this title are
5 subject to chapter 42.17 RCW. Candidates and conservation district
6 supervisors in districts whose elections are governed under chapter
7 89.08 RCW are exempted from the requirements of chapter 42.17 RCW.

8 **Sec. 2.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each
9 amended to read as follows:

10 (1) If the commission finds the project practicable, it shall
11 appoint two supervisors, one of whom shall be a landowner or operator
12 of a farm, who shall be qualified by training and experience to perform
13 the specialized skilled services required of them. They, with the
14 three elected supervisors, two of whom shall be landowners or operators
15 of a farm, shall constitute the governing board of the district.

16 (2) In all subsequent appointments, at least one appointed
17 supervisor shall be a landowner or operator of a farm. In all
18 subsequent elections, at least two elected supervisors shall be
19 landowners or operators of farms.

20 (3) The two appointed supervisors shall file with the secretary of
21 state a sworn application, reciting that a petition was filed with the
22 commission for the creation of the district; that all required
23 proceedings were had thereon; that they were appointed by the
24 commission as such supervisors; and that the application is being filed
25 to complete the organization of the district. It shall contain the
26 names and residences of the applicants, a certified copy of their
27 appointments, the name of the district, the location of the office of
28 the supervisors and the term of office of each applicant.

29 (4) The application shall be accompanied by a statement of the
30 commission, reciting that a petition was filed, notice issued, and
31 hearing held thereon as required; that it determined the need for the
32 district and defined the boundaries thereof; that notice was given and
33 an election held on the question of creating the district; that a
34 majority vote favored the district, and that the commission had
35 determined the district practicable; and shall set forth the boundaries
36 of the district.

1 **Sec. 3.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read
2 as follows:

3 Unless the context clearly indicates otherwise, as used in this
4 chapter:

5 (1) "Commission" and "state conservation commission" mean((s)) the
6 agency created hereunder. All former references to "state soil and
7 water conservation committee", "state committee" or "committee" shall
8 be deemed to be references to the "state conservation commission"((+)).

9 (2) "District", or "conservation district" means a governmental
10 subdivision of this state and a public body corporate and politic,
11 organized in accordance with the provisions of chapter 184, Laws of
12 1973 1st ex. sess., for the purposes, with the powers, and subject to
13 the restrictions set forth in this chapter. All districts created
14 under chapter 184, Laws of 1973 1st ex. sess. shall be known as
15 conservation districts and shall have all the powers and duties set out
16 in chapter 184, Laws of 1973 1st ex. sess. All references in chapter
17 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water
18 conservation districts" shall be deemed to be reference to
19 "conservation districts"((+)).

20 (3) "Board" and "supervisors" mean the board of supervisors of a
21 conservation district((+)).

22 (4) "Land occupier" or "occupier of land" includes any person,
23 firm, political subdivision, government agency, municipality, public or
24 private corporation, copartnership, association, or any other entity
25 whatsoever which holds title to, or is in possession of, any lands
26 lying within a district organized under the provisions of chapter 184,
27 Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant,
28 or otherwise((+)).

29 (5) "District elector" or "voter" means a registered voter in the
30 county where the district is located who resides within the district
31 boundary or in the area affected by a petition((+)).

32 (6) "Due notice" means a notice published at least twice, with at
33 least six days between publications, in a publication of general
34 circulation within the affected area, or if there is no such
35 publication, by posting at a reasonable number of public places within
36 the area, where it is customary to post notices concerning county and
37 municipal affairs. Any hearing held pursuant to due notice may be
38 postponed from time to time without a new notice((+)).

1 (7) "Renewable natural resources", "natural resources" or
2 "resources" includes land, air, water, vegetation, fish, wildlife, wild
3 rivers, wilderness, natural beauty, scenery and open space((+)).

4 (8) "Conservation" includes conservation, development, improvement,
5 maintenance, preservation, protection and use, and alleviation of
6 floodwater and sediment damages, and the disposal of excess surface
7 waters.

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

27 (10) "Elected supervisor" means a member of the board of
28 supervisors who is not appointed by the conservation commission and who
29 is elected under section 1 of this act or under this chapter.

30 **Sec. 4.** RCW 89.08.400 and 1992 c 70 s 1 are each amended to read
31 as follows:

32 For those districts that have chosen to conduct elections of
33 supervisors pursuant to this chapter:

34 (1) Special assessments are authorized to be imposed for
35 conservation districts as provided in this section. Activities and
36 programs to conserve natural resources, including soil and water, are
37 declared to be of special benefit to lands and may be used as the basis
38 upon which special assessments are imposed.

1 (2)(a) Special assessments to finance the activities of a
2 conservation district may be imposed by the county legislative
3 authority of the county in which the conservation district is located
4 for a period or periods each not to exceed ten years in duration.

5 The supervisors of a conservation district shall hold a public
6 hearing on a proposed system of assessments prior to the first day of
7 August in the year prior to which it is proposed that the initial
8 special assessments be collected. At that public hearing, the
9 supervisors shall gather information and shall alter the proposed
10 system of assessments when appropriate, including the number of years
11 during which it is proposed that the special assessments be imposed.

12 (b) On or before the first day of August in that year, the
13 supervisors of a conservation district shall file the proposed system
14 of assessments, indicating the years during which it is proposed that
15 the special assessments shall be imposed, and a proposed budget for the
16 succeeding year with the county legislative authority of the county
17 within which the conservation district is located. The county
18 legislative authority shall hold a public hearing on the proposed
19 system of assessments. After the hearing, the county legislative
20 authority may accept, or modify and accept, the proposed system of
21 assessments, including the number of years during which the special
22 assessments shall be imposed, if it finds that both the public interest
23 will be served by the imposition of the special assessments and that
24 the special assessments to be imposed on any land will not exceed the
25 special benefit that the land receives or will receive from the
26 activities of the conservation district. The findings of the county
27 legislative authority shall be final and conclusive.

28 (c) Special assessments may be altered during this period on
29 individual parcels in accordance with the system of assessments if land
30 is divided or land uses or other factors change.

31 (d) Notice of the public hearings held by the supervisors and the
32 county legislative authority shall be posted conspicuously in at least
33 five places throughout the conservation district, and published once a
34 week for two consecutive weeks in a newspaper in general circulation
35 throughout the conservation district, with the date of the last
36 publication at least five days prior to the public hearing.

37 (3) A system of assessments shall classify lands in the
38 conservation district into suitable classifications according to
39 benefits conferred or to be conferred by the activities of the

1 conservation district, determine an annual per acre rate of assessment
2 for each classification of land, and indicate the total amount of
3 special assessments proposed to be obtained from each classification of
4 lands. Lands deemed not to receive benefit from the activities of the
5 conservation district shall be placed into a separate classification
6 and shall not be subject to the special assessments. An annual
7 assessment rate shall be stated as either uniform annual per acre
8 amount, or an annual flat rate per parcel plus a uniform annual rate
9 per acre amount, for each classification of land. The maximum annual
10 per acre special assessment rate shall not exceed ten cents per acre.
11 The maximum annual per parcel rate shall not exceed five dollars.

12 Public land, including lands owned or held by the state, shall be
13 subject to special assessments to the same extent as privately owned
14 lands. The procedures provided in chapter 79.44 RCW shall be followed
15 if lands owned or held by the state are subject to the special
16 assessments of a conservation district.

17 Forest lands used solely for the planting, growing, or harvesting
18 of trees may be subject to special assessments if such lands benefit
19 from the activities of the conservation district, but the per acre rate
20 of special assessment on benefited forest lands shall not exceed one-
21 tenth of the weighted average per acre assessment on all other lands
22 within the conservation district that are subject to its special
23 assessments. The calculation of the weighted average per acre special
24 assessment shall be a ratio calculated as follows: (a) The numerator
25 shall be the total amount of money estimated to be derived from the
26 imposition of per acre special assessments on the nonforest lands in
27 the conservation district; and (b) the denominator shall be the total
28 number of nonforest land acres in the conservation district that
29 receive benefit from the activities of the conservation district and
30 which are subject to the special assessments of the conservation
31 district. No more than ten thousand acres of such forest lands that is
32 both owned by the same person or entity and is located in the same
33 conservation district may be subject to the special assessments that
34 are imposed for that conservation district in any year. Per parcel
35 charges shall not be imposed on forest land parcels. However, in lieu
36 of a per parcel charge, a charge of up to three dollars per forest
37 landowner may be imposed on each owner of forest lands whose forest
38 lands are subject to a per acre rate of assessment.

1 (4) A conservation district shall prepare an assessment roll that
2 implements the system of assessments approved by the county legislative
3 authority. The special assessments from the assessment roll shall be
4 spread by the county assessor as a separate item on the tax rolls and
5 shall be collected and accounted for with property taxes by the county
6 treasurer. The amount of a special assessment shall constitute a lien
7 against the land that shall be subject to the same conditions as a tax
8 lien, collected by the treasurer in the same manner as delinquent real
9 property taxes, and subject to the same interest rate and penalty as
10 for delinquent property taxes. The county treasurer shall deduct an
11 amount, as established by the county legislative authority, from the
12 collected special assessments(~~(, as established by the county~~
13 ~~legislative authority,~~)) to cover the costs incurred by the county
14 assessor and county treasurer in spreading and collecting the special
15 assessments, but not to exceed the actual costs of such work.

16 (5) The special assessments for a conservation district shall not
17 be spread on the tax rolls and shall not be collected with property tax
18 collections in the following year if, after the system of assessments
19 has been approved by the county legislative authority but prior to the
20 fifteenth day of December in that year, a petition has been filed with
21 the county legislative authority objecting to the imposition of such
22 special assessments, which petition has been signed by at least twenty
23 percent of the owners of land that would be subject to the special
24 assessments to be imposed for a conservation district.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 89.08 RCW
26 to read as follows:

27 For those districts that have chosen to conduct elections of
28 supervisors pursuant to Title 29 RCW:

29 (1) Special assessments are authorized to be imposed for
30 conservation districts as provided in this section. Activities and
31 programs to conserve natural resources, including soil and water, are
32 declared to be of special benefit to lands and may be used as the basis
33 upon which special assessments are imposed.

34 (2)(a) Special assessments to finance the activities of a
35 conservation district may be imposed by the board of supervisors for a
36 period or periods each not to exceed ten years in duration.

37 The supervisors of a conservation district shall hold a public
38 hearing on a proposed system of assessments prior to the first day of

1 August in the year prior to which it is proposed that the initial
2 special assessments be collected. At that public hearing, the
3 supervisors shall gather information and shall alter the proposed
4 system of assessments when appropriate, including the number of years
5 during which it is proposed that the special assessments be imposed.

6 (b) After the public hearing, if the board of supervisors finds
7 that both the public interest will be served by the imposition of the
8 special assessments and that the special assessments to be imposed on
9 any land will not exceed the special benefit that the land receives or
10 will receive from the activities of the conservation district, the
11 board of supervisors shall impose the assessments.

12 (c) Special assessments may be altered during this period on
13 individual parcels in accordance with the system of assessments if land
14 is divided or land uses or other factors change.

15 (d) Notice of the public hearings held by the supervisors shall be
16 posted conspicuously in at least five places throughout the
17 conservation district, and published once a week for two consecutive
18 weeks in a newspaper in general circulation throughout the conservation
19 district, with the date of the last publication at least five days
20 prior to the public hearing.

21 (3) A system of assessments shall classify lands in the
22 conservation district into suitable classifications according to
23 benefits conferred or to be conferred by the activities of the
24 conservation district, determine an annual per acre rate of assessment
25 for each classification of land, and indicate the total amount of
26 special assessments proposed to be obtained from each classification of
27 lands. Lands deemed not to receive benefit from the activities of the
28 conservation district shall be placed into a separate classification
29 and shall not be subject to the special assessments. An annual
30 assessment rate shall be stated as either uniform annual per acre
31 amount, or an annual flat rate per parcel plus a uniform annual rate
32 per acre amount, for each classification of land. The maximum annual
33 per acre special assessment rate shall not exceed ten cents per acre.
34 The maximum annual per parcel rate shall not exceed five dollars.

35 Public land, including lands owned or held by the state, shall be
36 subject to special assessments to the same extent as privately owned
37 lands. The procedures provided in chapter 79.44 RCW shall be followed
38 if lands owned or held by the state are subject to the special
39 assessments of a conservation district.

1 Forest lands used solely for the planting, growing, or harvesting
2 of trees may be subject to special assessments if such lands benefit
3 from the activities of the conservation district, but the per acre rate
4 of special assessment on benefited forest lands shall not exceed one-
5 tenth of the weighted average per acre assessment on all other lands
6 within the conservation district that are subject to its special
7 assessments. The calculation of the weighted average per acre special
8 assessment shall be a ratio calculated as follows: (a) The numerator
9 shall be the total amount of money estimated to be derived from the
10 imposition of per acre special assessments on the nonforest lands in
11 the conservation district; and (b) the denominator shall be the total
12 number of nonforest land acres in the conservation district that
13 receive benefit from the activities of the conservation district and
14 which are subject to the special assessments of the conservation
15 district. No more than ten thousand acres of such forest lands that is
16 both owned by the same person or entity and is located in the same
17 conservation district may be subject to the special assessments that
18 are imposed for that conservation district in any year. Per parcel
19 charges shall not be imposed on forest land parcels. However, in lieu
20 of a per parcel charge, a charge of up to three dollars per forest
21 landowner may be imposed on each owner of forest lands whose forest
22 lands are subject to a per acre rate of assessment.

23 (4) A conservation district shall prepare an assessment roll that
24 implements the system of assessments approved by the board of
25 supervisors. The special assessments from the assessment roll shall be
26 spread by the county assessor as a separate item on the tax rolls and
27 shall be collected and accounted for with property taxes by the county
28 treasurer. The amount of a special assessment shall constitute a lien
29 against the land that shall be subject to the same conditions as a tax
30 lien, collected by the treasurer in the same manner as delinquent real
31 property taxes, and subject to the same interest rate and penalty as
32 for delinquent property taxes. The county treasurer shall deduct an
33 amount, as established by the county legislative authority, from the
34 collected special assessments to cover the costs incurred by the county
35 assessor and county treasurer in spreading and collecting the special
36 assessments, but not to exceed the actual costs of such work.

37 (5) The special assessments for a conservation district shall not
38 be spread on the tax rolls and shall not be collected with property tax
39 collections in the following year if, after the system of assessments

1 has been approved by the board of supervisors, but prior to the
2 fifteenth day of December in that year, a petition has been filed with
3 the board of supervisors objecting to the imposition of such special
4 assessments, which petition has been signed by at least twenty percent
5 of the owners of land that would be subject to the special assessments
6 to be imposed for a conservation district.

7 **Sec. 6.** RCW 89.08.200 and 1973 1st ex.s. c 184 s 21 are each
8 amended to read as follows:

9 The term of office of each supervisor shall be ~~((three))~~ four years
10 and until his or her successor is appointed or elected and qualified,
11 except that the supervisors first appointed shall serve for ~~((one))~~ two
12 and ~~((two))~~ four years respectively from the date of their
13 appointments, as designated in their appointments.

14 In the case of elected supervisors, the term of office of each
15 supervisor shall be ~~((three))~~ four years and until his or her successor
16 is elected and qualified, except that for the first election, the one
17 receiving the largest number of votes shall be elected for ~~((three))~~
18 four years; the next largest ~~((two))~~ three years; and the third largest
19 ~~((one-year))~~ two years. Successors shall be elected for ~~((three-year))~~
20 four-year terms.

21 Vacancies in the office of appointed supervisors shall be filled by
22 the state conservation commission. Vacancies in the office of elected
23 supervisors shall be filled by appointment made by the remaining
24 supervisors for the unexpired term.

25 A majority of the supervisors shall constitute a quorum and the
26 concurrence of a majority is required for any official action or
27 determination.

28 Supervisors shall serve without compensation, but they shall be
29 entitled to expenses, including traveling expenses, necessarily
30 incurred in discharge of their duties. A supervisor may be removed by
31 the state conservation commission upon notice and hearing, for neglect
32 of duty or malfeasance in office, but for no other reason.

33 The governing board shall designate a ~~((chairman))~~ chair from time
34 to time.

35 For elected supervisors whose terms expire in 2001, a special
36 election shall be in the last quarter of 2001, with election procedures
37 as specified in RCW 89.08.190 (2) or (3).

1 For elected supervisors whose terms would expire in 2002 but for
2 this act, the general election shall be in 2003, with election
3 procedures as specified in RCW 89.08.190 (2) or (3).

4 For elected supervisors whose terms expire in 2003, the general
5 election shall be in 2003, with election procedures as specified in RCW
6 89.08.190 (2) or (3). All incumbent supervisors whose terms would have
7 expired but for this act shall remain in office until their successors
8 are elected and qualified.

9 NEW SECTION. Sec. 7. This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and takes effect
12 immediately.

--- END ---