
HOUSE BILL 2339

State of Washington

57th Legislature

2002 Regular Session

By Representatives Linville and Schoesler

Read first time 01/15/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to conservation districts; amending RCW 29.13.020,
2 29.21.015, 89.08.020, 89.08.080, 89.08.150, 89.08.160, 89.08.180,
3 89.08.190, 89.08.200, and 89.08.350; adding a new section to chapter
4 29.04 RCW; adding a new section to chapter 89.08 RCW; adding a new
5 chapter to Title 29 RCW; creating a new section; and declaring an
6 emergency.

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

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

10 Conservation district elections shall be conducted according to
11 chapter 89.08 RCW unless a conservation district has chosen to conduct
12 elections of its elected supervisors according to this title.
13 Elections of elected supervisors of a conservation district choosing to
14 conduct elections according to this title shall be conducted according
15 to sections 3 through 5 of this act.

16 **Sec. 2.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read
17 as follows:

1 (1) All city, town, and district general elections shall be held
2 throughout the state of Washington on the first Tuesday following the
3 first Monday in November in the odd-numbered years.

4 This section shall not apply to:

5 (a) Elections for the recall of any elective public officer;

6 (b) Public utility districts or district elections at which the
7 ownership of property within those districts is a prerequisite to
8 voting, all of which elections shall be held at the times prescribed in
9 the laws specifically applicable thereto;

10 (c) Consolidation proposals as provided for in RCW 28A.315.280 and
11 nonhigh capital fund aid proposals as provided for in chapter 28A.540
12 RCW; and

13 (d) Conservation district elections of elected supervisors
14 conducted according to the process specified in chapter 89.08 RCW.
15 This provision shall not apply to conservation district elections of
16 elected supervisors when a conservation district has chosen to conduct
17 these elections according to the process specified in sections 3
18 through 5 of this act.

19 (2) The county auditor, as ex officio supervisor of elections, upon
20 request in the form of a resolution of the governing body of a city,
21 town, or district, presented to the auditor at least forty-five days
22 prior to the proposed election date, may, if the county auditor deems
23 an emergency to exist, call a special election in such city, town, or
24 district, and for the purpose of such special election he or she may
25 combine, unite, or divide precincts. Except as provided in subsection
26 (3) of this section, such a special election shall be held on one of
27 the following dates as decided by the governing body:

28 (a) The first Tuesday after the first Monday in February;

29 (b) The second Tuesday in March;

30 (c) The fourth Tuesday in April;

31 (d) The third Tuesday in May;

32 (e) The day of the primary election as specified by RCW 29.13.070;

33 or

34 (f) The first Tuesday after the first Monday in November.

35 (3) In a presidential election year, if a presidential preference
36 primary is conducted in February, March, April, or May under chapter
37 29.19 RCW, the date on which a special election may be called under
38 subsection (2) of this section during the month of that primary is the
39 date of the presidential primary.

1 (4) In addition to subsection (2)(a) through (f) of this section,
2 a special election to validate an excess levy or bond issue may be
3 called at any time to meet the needs resulting from fire, flood,
4 earthquake, or other act of God, except that no special election may be
5 held between the first day for candidates to file for public office and
6 the last day to certify the returns of the general election other than
7 as provided in subsection (2)(e) and (f) of this section. Such special
8 election shall be conducted and notice thereof given in the manner
9 provided by law.

10 (5) This section shall supersede the provisions of any and all
11 other statutes, whether general or special in nature, having different
12 dates for such city, town, and district elections, the purpose of this
13 section being to establish mandatory dates for holding elections.

14 NEW SECTION. Sec. 3. (1) This chapter applies to all conservation
15 district elections of elected supervisors for those conservation
16 districts choosing to conduct these elections according to this title.
17 All provisions of this title that do not conflict with this chapter
18 shall apply to conservation district elections of elected supervisors
19 to the extent necessary to conduct such elections.

20 (2) All provisions of chapter 89.08 RCW, other than those
21 provisions specifically governing conservation district elections of
22 elected supervisors, shall apply to conservation districts choosing to
23 conduct elections of elected supervisors according to this title.

24 (3) The definitions specified in RCW 89.08.020 apply to this
25 chapter.

26 NEW SECTION. Sec. 4. A conservation district choosing to conduct
27 elections of elected supervisors according to this title shall make the
28 choice and provide notice to any affected county auditors no later than
29 May 1st in the year in which the elections are to be conducted. The
30 conservation district shall produce proof of an existing special
31 assessment authorized according to RCW 89.08.400 to provide funding for
32 conducting these elections according to this title. A conservation
33 district choosing to conduct elections of elected supervisors according
34 to this title is solely responsible for the costs of holding these
35 elections under this title.

1 NEW SECTION. **Sec. 5.** (1) If a conservation district chooses to
2 conduct elections of elected supervisors according to this title, the
3 elections shall be conducted to elect the three elected supervisors.
4 RCW 89.08.160 shall apply to all conservation districts choosing to
5 conduct elections of elected supervisors according to this title.

6 (2) The provisions of RCW 89.08.200 shall apply to all conservation
7 districts choosing to conduct elections of elected supervisors
8 according to this title.

9 **Sec. 6.** RCW 29.21.015 and 1998 c 19 s 1 are each amended to read
10 as follows:

11 (1) No primary may be held for any single position in any city,
12 town, district, or district court, as required by RCW 29.21.010, if,
13 after the last day allowed for candidates to withdraw, there are no
14 more than two candidates filed for the position. The county auditor
15 shall, as soon as possible, notify all the candidates so affected that
16 the office for which they filed will not appear on the primary ballot.

17 (2) No primary may be held for the office of commissioner of a park
18 and recreation district, for the office of supervisor of a conservation
19 district, or for the office of cemetery district commissioner.

20 (3) Names of candidates for offices that do not appear on the
21 primary ballot shall be printed upon the general election ballot in the
22 manner specified by RCW 29.30.025.

23 **Sec. 7.** RCW 89.08.020 and 1999 c 305 s 1 are each amended to read
24 as follows:

25 Unless the context clearly indicates otherwise, as used in this
26 chapter:

27 (1) "Commission" and "state conservation commission" means the
28 agency created hereunder. All former references to "state soil and
29 water conservation committee", "state committee" or "committee" shall
30 be deemed to be references to the "state conservation commission"((÷)).

31 (2) "District", or "conservation district" means a governmental
32 subdivision of this state and a public body corporate and politic,
33 organized in accordance with the provisions of chapter 184, Laws of
34 1973 1st ex. sess., for the purposes, with the powers, and subject to
35 the restrictions set forth in this chapter. All districts created
36 under chapter 184, Laws of 1973 1st ex. sess. shall be known as
37 conservation districts and shall have all the powers and duties set out

1 in chapter 184, Laws of 1973 1st ex. sess. All references in chapter
2 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water
3 conservation districts" shall be deemed to be reference to
4 "conservation districts"((†)).

5 (3) "Board" and "supervisors" mean the board of supervisors of a
6 conservation district((†)).

7 (4) "Land occupier" or "occupier of land" includes any person,
8 firm, political subdivision, government agency, municipality, public or
9 private corporation, copartnership, association, or any other entity
10 whatsoever which holds title to, or is in possession of, any lands
11 lying within a district organized under the provisions of chapter 184,
12 Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant,
13 or otherwise((†)).

14 (5) "District elector" or "voter" means a registered voter in the
15 county where the district is located who resides within the district
16 boundary or in the area affected by a petition((†)).

17 (6) "Due notice" means a notice published at least twice, with at
18 least six days between publications, in a publication of general
19 circulation within the affected area, or if there is no such
20 publication, by posting at a reasonable number of public places within
21 the area, where it is customary to post notices concerning county and
22 municipal affairs. Any hearing held pursuant to due notice may be
23 postponed from time to time without a new notice((†)).

24 (7) "Renewable natural resources", "natural resources" or
25 "resources" includes land, air, water, vegetation, fish, wildlife, wild
26 rivers, wilderness, natural beauty, scenery and open space((†)).

27 (8) "Conservation" includes conservation, development, improvement,
28 maintenance, preservation, protection and use, and alleviation of
29 floodwater and sediment damages, and the disposal of excess surface
30 waters.

31 (9) "Farm and agricultural land" means ((either)) (a) land in any
32 contiguous ownership of twenty or more acres devoted primarily to
33 agricultural uses; (b) any parcel of land five acres or more but less
34 than twenty acres devoted primarily to agricultural uses, which has
35 produced a gross income from agricultural uses equivalent to one
36 hundred dollars or more per acre per year for three of the five
37 calendar years preceding the date of application for classification
38 under this chapter; or (c) any parcel of land of less than five acres
39 devoted primarily to agricultural uses which has produced a gross

1 income of one thousand dollars or more per year for three of the five
2 calendar years preceding the date of application for classification
3 under this chapter. Agricultural lands shall also include farm
4 woodlots of less than twenty and more than five acres and the land on
5 which appurtenances necessary to production, preparation or sale of the
6 agricultural products exist in conjunction with the lands producing
7 such products. Agricultural lands shall also include any parcel of
8 land of one to five acres, which is not contiguous, but which otherwise
9 constitutes an integral part of farming operations being conducted on
10 land qualifying under this section as "farm and agricultural lands".

11 (10) "Elected supervisor" means a member of the board of
12 supervisors who is not appointed by the conservation commission and who
13 is elected according to the process specified in either chapter 29.--
14 RCW (sections 3 through 5 of this act) or this chapter.

15 **Sec. 8.** RCW 89.08.080 and 1999 c 305 s 2 are each amended to read
16 as follows:

17 To form a conservation district, twenty percent of the (~~voters~~)
18 district electors within the area to be affected may file a petition
19 with the commission asking that the area be organized into a district.

20 The petition shall give the name of the proposed district, state
21 that it is needed in the interest of the public health, safety, and
22 welfare, give a general description of the area proposed to be
23 organized and request that the commission determine that it be created,
24 and that it define the boundaries thereof and call an election on the
25 question of creating the district.

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

28 **Sec. 9.** RCW 89.08.150 and 1999 c 305 s 5 are each amended to read
29 as follows:

30 If a majority of the votes cast at the election are against the
31 creation of the district, the commission shall deny the petition. If
32 a majority favor the district, the commission shall determine the
33 practicability of the project.

34 In making such determination, the commission shall consider the
35 attitude of the (~~voters~~) district electors of the district; the
36 number of eligible (~~voters~~) district electors who voted at the
37 election; the size of the majority vote; the wealth and income of the

1 land occupiers; the probable expense of carrying out the project; and
2 any other economic factors relevant thereto.

3 If the commission finds that the project is impracticable it shall
4 enter an order to that effect and deny the petition. When the petition
5 has been denied, no new petition covering the same or substantially the
6 same area may be filed within six months therefrom.

7 **Sec. 10.** RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each
8 amended to read as follows:

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

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

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

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

36 (5) This section applies to supervisors elected according to the
37 process specified in either chapter 29.-- RCW (sections 3 through 5 of
38 this act) or this chapter.

1 **Sec. 11.** RCW 89.08.180 and 1999 c 305 s 6 are each amended to read
2 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 twenty
5 percent of the ((~~voters~~)) district electors of the affected area 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 ((~~voters~~)) district electors in any one or more
10 districts or in unorganized territory adjoining a conservation district
11 change the boundaries of a district, or districts, if such action will
12 promote the practical and feasible administration of such district or
13 districts.

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

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

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

37 **Sec. 12.** RCW 89.08.190 and 1973 1st ex.s. c 184 s 20 are each
38 amended to read as follows:

1 Conservation districts choosing to conduct elections of elected
2 supervisors according to this chapter shall comply with the process
3 specified in this section.

4 (1) Within thirty days after the issuance of the certificate of
5 organization, unless the time is extended by the commission, petitions
6 shall be filed with the commission to nominate candidates for the three
7 elected supervisors. The petition shall be signed by not ~~((less))~~
8 fewer than twenty-five district electors, and a district elector may
9 sign petitions nominating more than one person.

10 (2) In the case of a new district, the commission shall give due
11 notice to elect the three supervisors. All provisions pertaining to
12 elections on the creation of a district shall govern this election so
13 far as applicable. The names of all nominees shall appear on the
14 ballot in alphabetical order, together with instructions to vote for
15 three. The three candidates receiving the most votes shall be declared
16 elected supervisors, the one receiving the most being elected for a
17 ~~((three-year))~~ four-year term, the one receiving the next largest for
18 ~~((two))~~ three years, and the ~~((last))~~ one receiving the third largest
19 for ~~((one))~~ two years.

20 (3) An alternate method of dividing the district into three zones
21 may be used when requested by the board of supervisors and approved by
22 the commission. In such case, instructions will be to vote for one in
23 each zone. The candidate receiving the most votes in a zone shall be
24 declared elected.

25 (4) Each year after the creation of the first board of supervisors,
26 the board shall by resolution and by giving due notice, set a date
27 during the first quarter of each calendar year at which time it shall
28 conduct an election. In all subsequent elections:

29 (a) Names of candidates nominated by petition shall appear in
30 alphabetical order on the ballots ~~((, together with an extra line~~
31 ~~wherein may be written in the name of any other candidate))~~; and

32 (b) Write-in candidates shall be governed according to section 13
33 of this act.

34 (5) The commission shall establish procedures for elections,
35 canvass the returns and announce the official results thereof.
36 Election results may be announced by polling officials at the close of
37 the election subject to official canvass of ballots by the commission.

1 (6) Supervisors elected according to the process specified in this
2 chapter shall take office at the first board meeting following the
3 election.

4 NEW SECTION. Sec. 13. A new section is added to chapter 89.08 RCW
5 to read as follows:

6 (1) Any person who desires to be a write-in candidate for an
7 elected supervisor position and have such votes counted at an election
8 may file a declaration of candidacy with the commission or the
9 district, whichever is conducting the election, not later than the day
10 before the election. Declarations of candidacy for write-in candidates
11 must be accompanied by any information required of write-in candidates
12 specified in procedures established by the commission, including proof
13 of land owner or farm operator status if the elected supervisor
14 position for which the write-in candidate is filing is one reserved for
15 a land owner or farm operator as specified in RCW 89.08.160(2).

16 (2) Votes cast for write-in candidates who have filed such
17 declarations of candidacy need only specify the name of the candidate
18 in the appropriate location on the ballot in order to be counted. Any
19 district elector may write in on the ballot the name of any person for
20 an elected supervisor position who has filed as a write-in candidate
21 for the position in the manner specified in this section, and such vote
22 shall be counted the same as if the name had been printed on the ballot
23 and marked by the district elector. No write-in vote made for any
24 person who has not filed a declaration of candidacy according to this
25 section is valid.

26 (3) The commission or district, whichever is conducting the
27 election, shall ensure that those persons charged with counting the
28 ballots for an election are notified of all valid write-in candidates
29 before the tabulation of those ballots.

30 (4) The number of write-in votes cast for each office must be
31 recorded and reported with the canvass for the election. Write-in
32 votes cast for an individual candidate need not be tallied if the total
33 number of write-in votes cast for the position is not greater than the
34 number of votes cast for the candidate apparently nominated or elected,
35 and the write-in votes could not have altered the outcome of the
36 election.

1 **Sec. 14.** RCW 89.08.200 and 1973 1st ex.s. c 184 s 21 are each
2 amended to read as follows:

3 (1)(a) The term of office of each supervisor shall be (~~three~~)
4 four years and until his or her successor is appointed or elected and
5 qualified, except that the supervisors first appointed shall serve for
6 (~~one~~) two and (~~two~~) four years respectively from the date of their
7 appointments, as designated in their appointments.

8 (b) In the case of elected supervisors, the term of office of each
9 supervisor shall be (~~three~~) four years and until his or her successor
10 is elected and qualified, except that for the first election, the one
11 receiving the largest number of votes shall be elected for (~~three~~)
12 four years; the next largest (~~two~~), three years; and the third
13 largest (~~one~~), two years. Successors shall be elected for (~~three-~~
14 ~~year~~) four-year terms.

15 (c) Vacancies in the office of appointed supervisors shall be
16 filled by the state conservation commission. Vacancies in the office
17 of elected supervisors shall be filled by appointment made by the
18 remaining supervisors for the unexpired term.

19 (2) A majority of the supervisors shall constitute a quorum and the
20 concurrence of a majority is required for any official action or
21 determination.

22 (3) Supervisors shall serve without compensation, but they shall be
23 entitled to expenses, including traveling expenses, necessarily
24 incurred in discharge of their duties.

25 (4) A supervisor may be removed by the state conservation
26 commission upon notice and hearing, for neglect of duty or malfeasance
27 in office, but for no other reason.

28 (5) The governing board shall designate a chairman from time to
29 time.

30 **Sec. 15.** RCW 89.08.350 and 1999 c 305 s 9 are each amended to read
31 as follows:

32 At any time after five years from the organization of a district,
33 twenty percent of the (~~voters in the~~) district electors may file with
34 the commission a petition, praying that the district be dissolved. The
35 commission may hold public hearings thereon, and within sixty days from
36 receipt of the petition, shall give due notice of an election on the
37 question of dissolution. It shall provide appropriate ballots, conduct

1 the election, canvass the returns, and declare the results in the same
2 manner as for elections to create a district.

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

6 NEW SECTION. **Sec. 16.** Any elected supervisor currently serving on
7 a district board of supervisors on the effective date of this act who
8 would no longer be eligible to file for election as a result of the
9 provisions of this act shall continue to serve as a member of the board
10 of supervisors until the expiration of his or her current term of
11 office, and/or until the election date nearest the expiration date of
12 his or her term of office.

13 NEW SECTION. **Sec. 17.** Sections 3 through 5 of this act constitute
14 a new chapter in Title 29 RCW.

15 NEW SECTION. **Sec. 18.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

--- END ---