
SENATE BILL 5904

State of Washington

57th Legislature

2001 Regular Session

By Senators Morton and Rasmussen

Read first time 02/07/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to conservation district elections; amending RCW
2 29.13.020, 89.08.020, 89.08.110, and 89.08.190; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read
6 as follows:

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

10 This section shall not apply to:

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

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

16 (c) Consolidation proposals as provided for in RCW 28A.315.280 and
17 nonhigh capital fund aid proposals as provided for in chapter 28A.540
18 RCW; and

19 (d) Conservation districts under chapter 89.08 RCW.

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

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

11 (b) The second Tuesday in March;

12 (c) The fourth Tuesday in April;

13 (d) The third Tuesday in May;

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

15 or

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

17 (3) In a presidential election year, if a presidential preference
18 primary is conducted in February, March, April, or May under chapter
19 29.19 RCW, the date on which a special election may be called under
20 subsection (2) of this section during the month of that primary is the
21 date of the presidential primary.

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

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

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

37 Unless the context clearly indicates otherwise, as used in this
38 chapter:

1 (1) "Commission" and "state conservation commission" means the
2 agency created hereunder. All former references to "state soil and
3 water conservation committee", "state committee" or "committee" shall
4 be deemed to be references to the "state conservation commission";

5 (2) "District", or "conservation district" means a governmental
6 subdivision of this state and a public body corporate and politic,
7 organized in accordance with the provisions of chapter 184, Laws of
8 1973 1st ex. sess., for the purposes, with the powers, and subject to
9 the restrictions set forth in this chapter. All districts created
10 under chapter 184, Laws of 1973 1st ex. sess. shall be known as
11 conservation districts and shall have all the powers and duties set out
12 in chapter 184, Laws of 1973 1st ex. sess. All references in chapter
13 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water
14 conservation districts" shall be deemed to be reference to
15 "conservation districts";

16 (3) "Board" and "supervisors" mean the board of supervisors of a
17 conservation district;

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

25 (5) "District elector" or "voter" means a person who is:

26 (a) A registered voter in the county where the district is located
27 who resides within the district boundary or in the area affected by a
28 petition; and

29 (b) Either a:

30 (i) Landowner in the district boundary or in the area affected by
31 a petition; or

32 (ii) Farmer, as that term is defined in RCW 82.04.213(2), in the
33 district boundary or in the area affected by a petition;

34 (6) "Due notice" means a notice published at least twice, with at
35 least six days between publications, in a publication of general
36 circulation within the affected area, or if there is no such
37 publication, by posting at a reasonable number of public places within
38 the area, where it is customary to post notices concerning county and

1 municipal affairs. Any hearing held pursuant to due notice may be
2 postponed from time to time without a new notice;

3 (7) "Renewable natural resources", "natural resources" or
4 "resources" includes land, air, water, vegetation, fish, wildlife, wild
5 rivers, wilderness, natural beauty, scenery and open space;

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

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

29 **Sec. 3.** RCW 89.08.110 and 1999 c 305 s 3 are each amended to read
30 as follows:

31 If the commission finds that the district is needed, it shall then
32 determine whether it is practicable. To assist the commission in
33 determining this question, it shall, within a reasonable time, submit
34 the proposition to a vote of the district electors in the proposed
35 district.

36 The commission shall fix the date of the election, designate the
37 polling places, fix the hours for opening and closing the polls, and
38 appoint the election officials. The election shall be conducted, the

1 vote counted and returns canvassed and the results published by the
2 commission.

3 The commission may contract with the auditor of the county where
4 the proposed district is to be located to conduct any election under
5 this section. If the commission chooses to contract with the auditor,
6 the commission is responsible for all costs and may not require
7 reimbursement from any newly formed district.

8 **Sec. 4.** RCW 89.08.190 and 1973 1st ex.s. c 184 s 20 are each
9 amended to read as follows:

10 Within thirty days after the issuance of the certificate of
11 organization, unless the time is extended by the commission, petitions
12 shall be filed with the commission to nominate candidates for the three
13 elected supervisors. The petition shall be signed by not less than
14 twenty-five district electors, and a district elector may sign
15 petitions nominating more than one person.

16 In the case of a new district, the commission shall give due notice
17 to elect the three supervisors. All provisions pertaining to elections
18 on the creation of a district shall govern this election so far as
19 applicable. The names of all nominees shall appear on the ballot in
20 alphabetical order, together with instructions to vote for three. The
21 three candidates receiving the most votes shall be declared elected
22 supervisors, the one receiving the most being elected for a three-year
23 term, the next for two and the last for one year. An alternate method
24 of dividing the district into three zones may be used when requested by
25 the board of supervisors and approved by the commission. In such case,
26 instructions will be to vote for one in each zone. The candidate
27 receiving the most votes in a zone shall be declared elected.

28 Each year after the creation of the first board of supervisors, the
29 board shall by resolution and by giving due notice, set a date during
30 the first quarter of each calendar year at which time it shall conduct
31 an election. Names of candidates nominated by petition shall appear in
32 alphabetical order on the ballots, together with an extra line wherein
33 may be written in the name of any other candidate. The commission
34 shall establish procedures for elections, canvass the returns and
35 announce the official results thereof. Election results may be
36 announced by polling officials at the close of the election subject to
37 official canvass of ballots by the commission. Supervisors elected
38 shall take office at the first board meeting following the election.

1 A board may contract with the auditor of the county where the
2 district is located to conduct any election under this section.

3 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

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