

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973, with the exception of Section 27 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item House Bill No. 305 entitled:

Veto
Message

"AN ACT Relating to public assistance."

This act makes various amendments to the law establishing procedures for collection of support for dependent children supported by public assistance grants. This program is responsible for several million dollars in collections annually which are deposited in the state general fund.

Section 27 of this bill, which was not included in the original bill requested by the department of social and health services, would terminate the whole act, first adopted in 1971, on July 1, 1975. This act provides the whole basis for the very successful program in collection of delinquent support payments. It is neither necessary nor appropriate to terminate it in the foreseeable future.

Accordingly, I have determined to veto that item consisting of section 27. With that exception, House Bill No. 305 is approved."

CHAPTER 184

[Substitute House Bill No. 391]

CONSERVATION DISTRICTS LAW--STATE CONSERVATION
COMMISSION--POWERS AND DUTIES

AN ACT Relating to conservation; amending section 1, chapter 187, Laws of 1939 as amended by section 1, chapter 240, Laws of 1961 and RCW 89.08.005; amending section 2, chapter 187, Laws of 1939 and RCW 89.08.010; amending section 3, chapter 187, Laws of 1939 as last amended by section 2, chapter 240, Laws of 1961 and RCW 89.08.020; amending section 3, chapter 304, Laws of 1955 as last amended by section 1, chapter 217, Laws of 1967 and RCW 89.08.030; amending section 4, chapter 304, Laws of 1955 as amended by section 4, chapter 240, Laws of

1961 and RCW 89.08.040; amending section 5, chapter 304, Laws of 1955 as amended by section 5, chapter 240, Laws of 1961 and RCW 89.08.050; amending section 6, chapter 304, Laws of 1955 and RCW 89.08.060; amending section 7, chapter 304, Laws of 1955 as amended by section 6, chapter 240, Laws of 1961 and RCW 89.08.070; amending section 1, chapter 17, Laws of 1961 as amended by section 7, chapter 240, Laws of 1961 and RCW 89.08.080; amending section 9, chapter 304, Laws of 1955 and RCW 89.08.090; amending section 10, chapter 304, Laws of 1955 and RCW 89.08.100; amending section 11, chapter 304, Laws of 1955 and RCW 89.08.110; amending section 12, chapter 304, Laws of 1955 as amended by section 8, chapter 240, Laws of 1961 and RCW 89.08.120; amending section 13, chapter 304, Laws of 1955 and RCW 89.08.130; amending section 14, chapter 304, Laws of 1955 and RCW 89.08.140; amending section 15, chapter 304, Laws of 1955 and RCW 89.08.150; amending section 16, chapter 304, Laws of 1955 and RCW 89.08.160; amending section 17, chapter 304, Laws of 1955 as amended by section 9, chapter 240, Laws of 1961 and RCW 89.08.170; amending section 18, chapter 304, Laws of 1955 as amended by section 10, chapter 240, Laws of 1961 and RCW 89.08.180; amending section 6, chapter 187, Laws of 1939 as last amended by section 2, chapter 217, Laws of 1967 and RCW 89.08.190; amending section 21, chapter 304, Laws of 1955 as amended by section 12, chapter 240, Laws of 1961 and RCW 89.08.200; amending section 22, chapter 304, Laws of 1955 and RCW 89.08.210; amending section 23, chapter 304, Laws of 1955 as last amended by section 1, chapter 110, Laws of 1963 and RCW 89.08.220; amending section 25, chapter 304, Laws of 1955 and RCW 89.08.350; amending section 26, chapter 304, Laws of 1955 and RCW 89.08.360; amending section 27, chapter 304, Laws of 1955 and RCW 89.08.370; amending section 28, chapter 304, Laws of 1955 and RCW 89.08.380; adding a new section to chapter 89.08 RCW; creating new sections; and repealing section 14, chapter 187, Laws of 1939, section 14, chapter 240, Laws of 1961 and RCW 89.08.340.

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

Section 1. Section 1, chapter 187, Laws of 1939 as amended by section 1, chapter 240, Laws of 1961 and RCW 89.08.005 are each amended to read as follows:

This chapter shall be known and cited as the ((~~soil~~ and ~~water~~)) conservation districts law.

Sec. 2. Section 2, chapter 187, Laws of 1939 and RCW 89.08.010 are each amended to read as follows:

It is hereby declared, as a matter of legislative determination:

(1) That the ((farm and grazing)) lands of the state of Washington are among the basic assets of the state and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the ((farm and grazing)) lands of this state by wind and water; that the breaking of natural grass, plant and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed ((out of fields and pastures)) off of lands; that there has been an accelerated washing of sloping ((fields)) lands; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any ((landowner)) land occupier to conserve the soil and control erosion upon his lands may cause((s)) a washing and blowing of soil ((and water)) from his lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible, and that extensive denuding of land for development creates critical erosion areas that are difficult to effectively regenerate and the resulting sediment causes extensive pollution of streams, ponds, lakes and other waters.

(2) That the consequences of such soil erosion in the form of soil blowing and soil washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors, and loading the air with soil particles; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, ((farm)) buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric

power, municipal water supply, irrigation developments, farming and grazing.

(3) That to conserve soil resources and control and prevent soil erosion and prevent flood water and sediment damages, and further agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices, and works of improvement for flood prevention of agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, desilting basins, flood water retarding structures, channel floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilizations with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation of run-off by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

(4) Whereas, there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural, and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas; therefore, it is hereby declared to be the policy of the legislature to provide for the conservation of the ((soil and soil)) renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. To this end all incorporated cities and towns heretofore excluded from the boundaries of a conservation district established pursuant to the provisions of the state conservation district law, as amended, may be approved by the conservation commission as being included in and deemed a part of the district upon receiving a petition for

annexation signed by the governing authority of the city or town and the conservation district within the exterior boundaries of which it lies in whole or in part or to which it lies closest.

Sec. 3. Section 3, chapter 187, Laws of 1939 as last amended by section 2, chapter 240, Laws of 1961 and RCW 89.08.020 are each amended to read as follows:

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

"~~((Committee))~~ Commission" and "~~((conservation committee))~~ state conservation commission" mean the ~~((state soil and water conservation committee))~~ agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a ~~((soil and water conservation district created hereunder))~~ governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of this 1973 amendatory act, for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under this 1973 amendatory act shall be known as conservation districts and shall have all the powers and duties set out in this 1973 amendatory act. All references in this 1973 amendatory act to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a ~~((soil and water))~~ conservation district;

~~(("Land owner" or "owner of land" means the holder of legal or equitable title to land in a district~~;

"Tenant" means person or persons who operate a farm under a lease, crop share or similar arrangement;)

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of this 1973 amendatory act, whether as owner, lessee, renter, tenant, or otherwise;

"District elector" means a qualified county elector occupying land within the district boundary;

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

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

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

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

Sec. 4. Section 3, chapter 304, Laws of 1955 as last amended by section 1, chapter 217, Laws of 1967 and RCW 89.08.030 are each amended to read as follows:

There is hereby ~~((created))~~ established to serve as an agency of the state and to perform the functions conferred upon it in this 1973 amendatory act, the state ~~((soil and water))~~ conservation ((committee)) commission, which shall succeed to all powers, duties and property of the state soil and water conservation committee.

The ~~((committee))~~ commission shall consist of seven members, two of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at

their annual statewide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed ((committee)) commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected ((committee)) commission members shall be filled by the regional vice president of the Washington association of ((soil and water)) conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the ((committee)) commission member.

The director of the department of ((conservation)) ecology and the dean of the college of agriculture at Washington State University shall be ex officio members of the ((committee)) commission. An ex officio member of the ((committee)) commission shall hold office so long as he retains the office by virtue of which he is a member of the ((committee)) commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission.

Sec. 5. Section 4, chapter 304, Laws of 1955 as amended by section 4, chapter 240, Laws of 1961 and RCW 89.08.040 are each amended to read as follows:

((The committee shall designate its chairman from time to time)) Members shall receive no compensation, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties.

The ((committee)) commission shall keep a record of ((all)) its official actions, ((proceedings, resolutions, regulations, and orders, provide for an annual audit of its accounts)) shall adopt a seal, which shall be judicially noticed, ((adopt and promulgate rules)) and may perform such acts, hold such public hearings, and ((do all things necessary to carry out its functions)) promulgate such rules and regulations as may be necessary for the execution of its functions under this 1973 amendatory act. The state department of ((conservation)) ecology is empowered to pay the necessary per diem and travel expenses of the ((farmer)) elected and appointed members of the state ((soil and water)) conservation ((committee)) commission, and the salaries, wages and other expenses of such

administrative officers or other employees as may be required under the provisions of this chapter.

Sec. 6. Section 5, chapter 304, Laws of 1955 as amended by section 5, chapter 240, Laws of 1961 and RCW 89.08.050 are each amended to read as follows:

The ((committee)) commission may employ an administrative officer, and such technical experts and such other agents and employees, permanent and temporary as it may require((s)), and shall determine their qualifications, duties, and compensation((, and)). The commission may call upon the attorney general for such legal services as it may require.

It ((may)) shall have authority to delegate to its chairman ((or)) to one or more of its members, to one or more agents or employees such duties and powers as it deems proper. ((It shall provide for surety bonds for its officers and employees entrusted with funds or property.)) It shall be supplied with suitable office accommodations at the central office of the department of ecology, and shall be furnished the necessary supplies and equipment.

The commission shall organize annually and select a chairman from among its members, who shall serve for one year from the date of his selection. A majority of the ((committee)) commission shall constitute a quorum((, and a majority must concur in any matter calling for committee action)) and all actions of the commission shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

Sec. 7. Section 6, chapter 304, Laws of 1955 and RCW 89.08.060 are each amended to read as follows:

((The committee may request)) Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency or state institution of learning ((to make studies, surveys, and reports on any matter relating to its functions, and may request that a member of the personnel of such agency or institution be assigned to it as assistant, and such requests shall be complied with so far as possible and practicable)) may, insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission, members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

Sec. 8. Section 7, chapter 304, Laws of 1955 as amended by section 6, chapter 240, Laws of 1961 and RCW 89.08.070 are each amended to read as follows:

In addition to the duties and ((responsibilities)) powers hereinafter conferred upon the ((committee)) commission, it shall have the following duties and ((responsibilities)) powers:

(1) To offer such assistance as may be appropriate to the supervisors of (~~soil and water~~) conservation districts organized under the provisions of this 1973 amendatory act, in the carrying out of any of their powers and programs;

(a) to assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under this act;

(b) to review district programs;

(c) to coordinate the programs of the several districts and resolve any conflicts in such programs;

(d) to facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies.

(2) To keep the supervisors of each of the several (~~soil and water~~) conservation districts organized under the provisions of this 1973 amendatory act informed of the activities and experience of all other (~~such~~) districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) (~~To coordinate the programs of the several soil and water conservation districts so far as this may be done by advice and consultation;~~) To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning such agreements or forms of agreements.

(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To recommend the inclusion in annual and longer term budgets and appropriation legislation of the state of Washington of funds necessary for appropriation by the legislature to finance the activities of the commission and the conservation districts; to administer the provisions of any law hereinafter enacted by the legislature appropriating funds for expenditure in connection with the activities of conservation districts; to distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to such conditions as shall be made applicable thereto in any state or federal statute or local ordinance making available such funds, property or services; to issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and to review all budgets, administrative procedures and operations of such districts and advise

the districts concerning their conformance with applicable laws and regulations.

(6) To encourage the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts, and facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources.

(7) To disseminate information throughout the state concerning the activities and programs of the ((soil and water)) conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable; to make available information concerning the needs and the work of the conservation district and the commission to the governor, the legislature, executive agencies of the government of this state, political subdivisions of this state, cooperating federal agencies, and the general public.

((6) To establish policies for utilization of state appropriations by the committee and by districts and to decide on distribution and use of such funds within the state; also to manage any other funds which may become available for use by districts or by the committee;))

(8) Pursuant to procedures developed mutually by the commission and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort.

(9) To compile information and make studies, summaries and analysis of district programs in relation to each other and to other resource conservation programs on a state-wide basis.

(10) To assist conservation districts in obtaining legal services from state and local legal officers.

(11) To require annual reports from conservation districts, the form and content of which shall be developed by the commission.

(12) To establish by regulations, with the assistance and advice of the state auditor's office, adequate and reasonably uniform accounting and auditing procedures which shall be used by conservation districts.

Sec. 9. Section 1, chapter 17, Laws of 1961 as amended by section 7, chapter 240, Laws of 1961 and RCW 89.08.080 are each

amended to read as follows:

To form a ((soil and water)) conservation district, twenty-five or more persons ((owning)) occupying land within the area to be affected may file a petition with the ((committee)) commission asking that the area be organized into a district.

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

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

Sec. 10. Section 9, chapter 304, Laws of 1955 and RCW 89.08.090 are each amended to read as follows:

Within thirty days after a petition is filed, the ((committee)) commission shall give due notice of the time and place of a public hearing thereon. At the hearing all interested persons shall be heard.

If it appears to the ((committee)) commission that additional land should be included in the district, the hearing shall be adjourned and a new notice given covering the entire area and a new date fixed for further hearing, unless waiver of notice by the owners of the additional land is filed with the ((committee)) commission.

No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous.

Sec. 11. Section 10, chapter 304, Laws of 1955 and RCW 89.08.100 are each amended to read as follows:

After the hearing, if the ((committee)) commission finds that the public health, safety, and welfare warrant the creation of the district, it shall enter an order to that effect and define the boundaries thereof by metes and bounds or by legal subdivisions.

In making its findings the ((committee)) commission shall consider the topography of the particular area and of the state generally; the composition of the soil; the distribution of erosion; the prevailing land use practices; the effects upon and benefits to the land proposed to be included; the relation of the area to existing watersheds and agricultural regions and to other similar districts organized or proposed; and consider such other physical, geographical, and economic factors as are relevant.

If the ((committee)) commission finds there is no need for the district, it shall enter an order denying the petition, and no petition covering the same or substantially the same area may be

filed within six months thereafter.

Sec. 12. Section 11, chapter 304, Laws of 1955 and RCW 89.08.110 are each amended to read as follows:

If the ((committee)) commission finds that the district is needed, it shall then determine whether it is practicable. To assist the ((committee)) commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the ((landowners and tenants)) land occupiers in the proposed district.

The ((committee)) commission shall fix the date of the election, ((establish the voting precincts,)) designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the ((committee in the same manner as is done in general county elections)) commission.

Sec. 13. Section 12, chapter 304, Laws of 1955 as amended by section 8, chapter 240, Laws of 1961 and RCW 89.08.120 are each amended to read as follows:

The ((committee)) commission shall provide the ballots for the election which shall contain the words

"n For creation of a ((soil and water)) conservation district of the lands below described and lying in the county or counties of, and, " and

"n Against creation of a ((soil and water)) conservation district of the lands below described and lying in the county or counties of, and, ."

The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter's choice.

Sec. 14. Section 13, chapter 304, Laws of 1955 and RCW 89.08.130 are each amended to read as follows:

The ((committee)) commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only ((owners of land and tenants)) qualified electors within the proposed district as determined by the ((committee)) commission may vote at the election. Each voter shall vote in the ((precinct of)) polling place nearest his residence. If he resides outside the district, he shall vote at the nearest polling place ((in)) of the district.

Sec. 15. Section 14, chapter 304, Laws of 1955 and RCW 89.08.140 are each amended to read as follows:

The ((committee)) commission shall bear all expense of giving the notices and conducting the hearings and election, and shall issue

regulations governing all hearings and elections and supervise the conduct thereof. It shall provide for registration of eligible voters or prescribe the procedure to determine the eligible voters. No informality in connection with the election shall invalidate the results, if the notice thereof was substantially given, and the election fairly conducted.

Sec. 16. Section 15, chapter 304, Laws of 1955 and RCW 89.08.150 are each amended to read as follows:

If a majority of the votes cast at the election are against the creation of the district, the ((committee)) commission shall deny the petition. If a majority favor the district, the ((committee)) commission shall determine the practicability of the project.

In making such determination, the ((committee)) commission shall consider the attitude of the ((landowners)) land occupiers of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth and income of the ((landowners)) land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

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

Sec. 17. Section 16, chapter 304, Laws of 1955 and RCW 89.08.160 are each amended to read as follows:

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

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

The application shall be accompanied by a statement of the ((committee)) commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the

need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the ((committee)) commission had determined the district practicable; and shall set forth the boundaries of the district.

Sec. 18. Section 17, chapter 304, Laws of 1955 as amended by section 9, chapter 240, Laws of 1961 and RCW 89.08.170 are each amended to read as follows:

If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that fact to the ((committee)) commission, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a ((soil and water)) conservation district may be changed upon recommendation by the supervisors of a district and approval by the state ((soil and water)) conservation ((committee)) commission and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.

Sec. 19. Section 18, chapter 304, Laws of 1955 as amended by section 10, chapter 240, Laws of 1961 and RCW 89.08.180 are each amended to read as follows:

Territory may be added to an existing district upon filing a petition as in the case of formation with the ((committee)) commission by ((owners and tenants)) occupiers of the lands to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the ((committee)) commission may upon the petition of a majority of the ((owners of land and tenants)) land occupiers in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the ((committee)) commission may approve the combining of all or parts of such districts and name the district, or districts,

with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the ((committee)) commission in order to determine the wishes of ((landowners and tenants)) land occupiers.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. ((One supervisor shall be elected each year*)) All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the ((committee)) commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the ((committee)) commission.

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

Sec. 20. Section 6, chapter 187, Laws of 1939 as last amended by section 2, chapter 217, Laws of 1967 and RCW 89.08.190 are each amended to read as follows:

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

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

elected.

Each year after the creation of the first board of supervisors, the board shall by resolution and by giving due notice, set a date during the first quarter of each calendar year (~~for an annual meeting of the voters in the district;~~) at which time it shall conduct an election(~~present an annual report and a financial statement~~). Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The ~~(committee)~~ commission shall establish procedures for elections, canvass the returns and announce the official results thereof. Election results may be announced by polling officials (~~during the annual meeting;~~) at the close of the election subject to official canvass of ballots by the ~~(committee)~~ commission. Supervisors elected shall take office at the first board meeting (~~which shall be held within thirty days~~) following the election.

Sec. 21. Section 21, chapter 304, Laws of 1955 as amended by section 12, chapter 240, Laws of 1961 and RCW 89.08.200 are each amended to read as follows:

The term of office of each supervisor shall be three years and until his successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state (~~soil and water~~) conservation ~~(committee)~~ commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

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

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

The governing board shall designate a chairman from time to

time.

Sec. 22. Section 22, chapter 304, Laws of 1955 and RCW 89.08.210 are each amended to read as follows:

The ~~((board))~~ supervisors may employ ~~((all necessary clerical and))~~ a secretary, technical ((assistants)) experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and determine ~~((the))~~ their qualifications, duties, and compensation ~~((of its employees))~~. It may call upon the attorney general for legal services, or may employ its own counsel and legal staff. ~~((It))~~ The supervisors may delegate to ~~((its))~~ their chairman, to one or more supervisors, or to one or more agents or employees such powers and duties as it deems proper. The supervisors shall furnish to the commission, upon request, copies of such internal rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as the commission may require in the performance of its duties under this 1973 amendatory act. ~~((It))~~ The supervisors shall provide for the execution of surety bonds for ~~((the))~~ officers and all employees who shall be entrusted with funds or property.

The ~~((board))~~ supervisors shall ~~((keep a))~~ provide for the keeping of a full and accurate record of all ~~((its))~~ proceedings, resolutions, ~~((rules,))~~ regulations, and orders ~~((, and ordinances, which shall be open to public inspection and remain in the custody and control of its chairman))~~ issued or adopted. ~~((It))~~ The supervisors shall provide for an annual audit of ~~((its))~~ the accounts of receipts and disbursements in accordance with procedures prescribed by regulations of the commission. ~~((It shall furnish the committee, upon request, copies of its rules, regulations, orders, documents and instruments used by it, and any other information concerning its activities;))~~

The board may invite the legislative body of any municipality or county near or within the district, to designate a representative to advise and consult with it on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county. The governing body of a district shall appoint such advisory committees as may be needed to assure the availability of appropriate channels of communication to the board of supervisors, to persons affected by district operations, and to local, regional, state and interstate special-purpose districts and agencies responsible for community planning, zoning, or other resource development activities. The district shall keep such committees informed of its work, and such advisory committees shall submit recommendations from time to time to the board of supervisors.

Sec. 23. Section 23, chapter 304, Laws of 1955 as last

amended by section 1, chapter 110, Laws of 1963 and RCW 89.08.220 are each amended to read as follows:

A conservation district organized under the provisions of this 1973 amendatory act shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds((+)) and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this 1973 amendatory act:

((A district may:))

(1) ((Conduct, in cooperation with the Washington State University and any state or federal agency; surveys relating to water and to the character of soil erosion and control measures needed within the district; publish the results thereof; and disseminate the information concerning such measures)) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) ((Conduct demonstrational projects within the district on lands or waters controlled by any state agency in cooperation with such agency and on other lands or waters within the district with the consent of the owner thereof; in order to demonstrate how soil or water and soil and water resources may be conserved and soil erosion prevented and controlled)) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, ((such as engineering operations, methods of cultivation, growing of vegetation or changes in water use or land use on land or water)) within the district((; with the consent and cooperation of the person or agency owning it or in control thereof)) including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in section 2 of this 1973 amendatory act, on any lands within the district upon obtaining the consent of the occupier of such lands

and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency ((or landowner or tenant and furnish financial or other aid)), governmental or otherwise, or any occupier of lands within the district in the carrying on ((erosion control and preventive operations)) of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, ((as the board)) subject to such conditions as the supervisors may deem((s)) necessary to ((carry out)) advance the purposes of this ((chapter)) 1973 amendatory act;

(5) To obtain options upon and to acquire in any manner, except by condemnation, ((any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes)) by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this 1973 amendatory act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(6) To make available ((to landowners and tenants in)), on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them ((to conserve their water and soil resources and prevent and control soil erosion)) to carry on operations upon their lands for the conservation of renewable natural resources;

(7) ((Develop detailed comprehensive plans for the conservation of water and soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;)) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of

developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) ((Acquire or lease and operate any water or soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;)) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under this ((chapter)) 1973 amendatory act in the exercise of any of its powers;

(10) ((Construct, improve, and maintain structures necessary or convenient for its purposes and borrow moneys from any agency of the United States or from other lending agencies for the purpose of carrying out said activities; and)) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of this act;

(11) To sue and be sued in ((its)) the name of the district; ((adopt)) to have a seal which shall be judicially noticed; have perpetual ((existence, subject to termination provided herein)) succession unless terminated as hereinafter provided; ((execute all instruments necessary for its purposes;)) to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make ((and)), amend rules and regulations not inconsistent with this 1973 amendatory act and to carry ((out)) into effect its purposes((+));

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under this 1973 amendatory act;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

NEW SECTION. Sec. 24. There is added to chapter 89.08 RCW a new section to read as follows:

Any agency of the government of this state and any local political subdivision of this state is hereby authorized to make such arrangements with any district, through contract, regulation or other appropriate means, wherever it believes that such arrangements will promote administrative efficiency or economy.

In connection with any such arrangements, any state or local agency or political subdivision of this state is authorized, within the limits of funds available to it, to contribute funds, equipment, property or services to any district; and to collaborate with a district in jointly planning, constructing, financing or operating any work or activity provided for in such arrangements and in the joint acquisition, maintenance and operation of equipment or facilities in connection therewith.

State agencies, the districts, and other local agencies are authorized to make available to each other maps, reports and data in their possession that are useful in the preparation of their respective programs and plans for resource conservation. The districts shall keep the state and local agencies fully informed concerning the status and progress of the preparation of their resource conservation programs and plans.

The state conservation commission and the counties of the state may provide respective conservation districts such administrative funds as will be necessary to carry out the purpose of this 1973 amendatory act.

Sec. 25. Section 25, chapter 304, Laws of 1955 and RCW 89.08.350 are each amended to read as follows:

At any time after five years from the organization of a district, ((fifteen owners and tenants of land)) one hundred land

occupiers in the district may file with the ((committee)) commission a petition, praying that the district be dissolved. The ((committee)) commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All ((owners and tenants of land in the district)) district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

Sec. 26. Section 26, chapter 304, Laws of 1955 and RCW 89.08.360 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. If two-thirds of the votes are against dissolution, the ((committee)) commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.

Sec. 27. Section 27, chapter 304, Laws of 1955 and RCW 89.08.370 are each amended to read as follows:

If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the ((committee)) commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his records.

Sec. 28. Section 28, chapter 304, Laws of 1955 and RCW 89.08.380 are each amended to read as follows:

A dissolution of a district shall not affect any contracts or obligations of the district. Upon the issuance of the certificate of dissolution, the ((committee)) commission shall be substituted for the supervisors and it shall assume all the duties, liabilities, and powers of the supervisors.

When a petition for the dissolution of a district is rejected,

no new petition may be filed for a period of five years.

NEW SECTION. Sec. 29. Section 14, chapter 187, Laws of 1939, section 14, chapter 240, Laws of 1961 and RCW 89.08.340 are each repealed.

NEW SECTION. Sec. 30. Insofar as any of the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling: PROVIDED, HOWEVER, That none of the provisions of this chapter shall be construed so as to impair water rights appurtenant to lands within or without the boundaries of any district or districts organized hereunder.

NEW SECTION. Sec. 31. If any provision of this chapter, or the application of any provision to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Passed the House March 20, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 185
[Substitute House Bill No. 306]
ENVIRONMENTAL COORDINATION PROCEDURES
ACT OF 1973

AN ACT Relating to coordination of procedures in relation to projects which contemplate use of the state's natural resources; adding a new chapter to Title 90 RCW; and making an effective date.

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

NEW SECTION. Section 1. (1) It is the sense of the legislature that the heavy burdens placed upon persons proposing to undertake certain types of projects in this state through requirements to obtain numerous permits and related documents from various state and local agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining public views in relation to applications to state and local agencies pertaining to these projects are cumbersome and place undue hardships on members of the public thereby thwarting the public's ability to present such views.

(2) The purposes of this chapter are to:

(a) Provide for an optional procedure to assist those who, in the course of satisfying the requirements of state government prior