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SENATE BILL 5329

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen, A. Smith and Talmadge

Read first time 01/22/93. Referred to Committee on Government Operations.

1 AN ACT Relating to port districts; amending RCW 53.12.010,  
2 53.12.115, 53.12.120, 53.12.130, and 53.16.015; reenacting and amending  
3 RCW 53.12.172; adding a new section to chapter 53.12 RCW; and adding  
4 new sections to chapter 53.04 RCW.

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

6 **Sec. 1.** RCW 53.12.010 and 1992 c 146 s 1 are each amended to read  
7 as follows:

8 The powers of the port district shall be exercised through a port  
9 commission consisting of three members, unless the voters of the port  
10 district have authorized an increase in the number of commissioners to  
11 five as provided in RCW 53.12.115 through 53.12.130.

12 Every port district that is ~~((not))~~ coextensive with a county  
13 ~~((having a population of five hundred thousand or more))~~ shall be  
14 divided into three or five commissioner districts, depending on the  
15 number of port commissioners in the district, each having approximately  
16 equal population. A port district that is less than county-wide shall  
17 be divided into three or five commissioner districts, depending on the  
18 number of commissioners in the district, unless the port district does  
19 not use commissioner districts as provided under section 2 or 4 of this

1 act. Where a port district is coextensive with the boundaries of a  
2 county that ~~((has a population of less than five hundred thousand and  
3 the county has three))~~ is divided into the same number of county  
4 legislative authority districts that the port district has port  
5 commissioners, the port district commissioner districts shall be the  
6 county legislative authority districts. In other instances where a  
7 port district is divided into commissioner districts, the ~~((petition  
8 proposing the formation of such a port district shall describe three))~~  
9 port commission shall divide the port district into commissioner  
10 districts equal in number to the number of port commissioners, each  
11 having approximately the same population ~~((and the)).~~ Commissioner  
12 districts shall be altered as provided in chapter 53.16 RCW.

13 Commissioner districts shall be used as follows: (1) Only a  
14 registered voter who resides in a commissioner district may be a  
15 candidate for, or hold office as, a commissioner of the commissioner  
16 district; and (2) only the voters of a commissioner district may vote  
17 at a primary election to nominate candidates for a commissioner of the  
18 commissioner district. In addition, in port districts with a  
19 population of five hundred thousand or more, only voters of a  
20 commissioner district may vote at a general election to elect a person  
21 as a commissioner of the commissioner district, but in all other port  
22 districts voters of the entire port district may vote at a general  
23 election to elect a person as a commissioner of the commissioner  
24 district.

25 ~~((In port districts having additional commissioners as authorized  
26 by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port  
27 district shall be exercised through a port commission consisting of  
28 five members constituted as provided therein.))~~

29 NEW SECTION. Sec. 2. A new section is added to chapter 53.12 RCW  
30 to read as follows:

31 Any less than county-wide port district that uses commissioner  
32 districts may cease using commissioner districts as provided in this  
33 section.

34 The commissioners of a less than county-wide port district that is  
35 divided into commissioner districts may adopt a resolution eliminating  
36 the use of commissioner districts in the port district. A copy of the  
37 resolution shall be transmitted to the county auditor. Commissioner  
38 districts shall not be used in that port district commencing at the

1 next district election occurring one hundred twenty or more days after  
2 the county auditor receives a copy of the resolution.

3 A ballot proposition authorizing the elimination of commissioner  
4 districts shall be submitted to the voters of a less than county-wide  
5 port district that is divided into commissioner districts if a petition  
6 is submitted to the port commission proposing that the port district  
7 cease using commissioner districts, that is signed by voters of the  
8 port district equal in number to at least ten percent of the number of  
9 voters residing in the port district who voted at the last district  
10 general election. The port commission shall transfer the petition  
11 immediately to the county auditor who shall review the signatures and  
12 certify its sufficiency. A ballot proposition authorizing the  
13 elimination of commissioner districts shall be submitted at the next  
14 district general election occurring sixty or more days after a petition  
15 with sufficient signatures was submitted. If the ballot proposition  
16 authorizing the port district to cease using commissioner districts is  
17 approved by a simple majority vote, the port district shall cease using  
18 commissioner districts at all subsequent elections. The port  
19 commission may adopt a resolution eliminating the use of commissioner  
20 districts in lieu of having the ballot proposition submitted to  
21 district voters.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.04 RCW  
23 to read as follows:

24 Three commissioner districts, each with approximately the same  
25 population, shall be described in the petition proposing the creation  
26 of a port district under RCW 53.04.020, if the process to create the  
27 port district was initiated by voter petition, or shall be described by  
28 the county legislative authority, if the process to initiate the  
29 creation of the port district was by action of the county legislative  
30 authority. However, commissioner districts shall not be described if  
31 the proposed port district is coterminous with a county that is divided  
32 into three county legislative authority districts and the commissioner  
33 districts of the proposed port district shall be the same as the county  
34 legislative authority districts.

35 The initial port commissioners shall be elected as provided in RCW  
36 53.12.172.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 53.04 RCW  
2 to read as follows:

3        If the petition initiating the creation of a less than county-wide  
4 port district under RCW 53.04.023 describes three commissioner  
5 districts, each with approximately the same population, then  
6 commissioner districts shall be used to elect commissioners in the  
7 proposed port district. The initial port commissioners in such a port  
8 district shall be elected as provided in RCW 53.12.172.

9        However, if the petition initiating the creation of a less than  
10 county-wide port district under RCW 53.04.023 does not describe three  
11 commissioner districts, then commissioner districts shall not be used  
12 to elect commissioners in the proposed port district. The initial port  
13 commissioners in the proposed port district shall be elected as  
14 provided in RCW 53.12.172, except that commissioner districts shall not  
15 be used. Candidates shall run for a specific commission position.

16        This section shall expire July 1, 1997.

17        **Sec. 5.**    RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and  
18 amended to read as follows:

19        (1) In every port district the term of office of each port  
20 commissioner shall be four years in each port district that is county-  
21 wide with a population of one hundred thousand or more, or either six  
22 or four years in all other port districts as provided in RCW 53.12.175,  
23 and until a successor is elected and qualified and assumes office in  
24 accordance with RCW 29.04.170.

25        (2) The initial port commissioners shall be elected at the same  
26 election as when the ballot proposition is submitted to voters  
27 authorizing the creation of the port district. If the port district is  
28 created the persons elected at this election shall serve as the initial  
29 port commission. No primary shall be held. The person receiving the  
30 greatest number of votes for commissioner from each commissioner  
31 district shall be elected as the commissioner of that district.

32        (3) The terms of office of the initial port commissioners shall be  
33 staggered as follows in a port district that is county-wide with a  
34 population of one hundred thousand or more:    (~~(1)~~)    (a) The two  
35 persons who are elected receiving the two greatest numbers of votes  
36 shall be elected to four-year terms of office if the election is held  
37 in an odd-numbered year, or three-year terms of office if the election  
38 is held in an even-numbered year, and shall hold office until

1 successors are elected and qualified and assume office in accordance  
2 with RCW 29.04.170; and ~~((+2))~~ (b) the other person who is elected  
3 shall be elected to a two-year term of office if the election is held  
4 in an odd-numbered year, or a one-year term of office if the election  
5 is held in an even-numbered year, and shall hold office until a  
6 successor is elected and qualified and assumes office in accordance  
7 with RCW 29.04.170.

8 (4) The terms of office of the initial port commissioners in all  
9 other port districts shall be staggered as follows: (a) The person who  
10 is elected receiving the greatest number of votes shall be elected to  
11 a six-year term of office if the election is held in an odd-numbered  
12 year or to a five-year term of office if the election is held in an  
13 even-numbered year, and shall hold office until a successor is elected  
14 and qualified and assumes office in accordance with RCW 29.04.170; (b)  
15 the person who is elected receiving the next greatest number of votes  
16 shall be elected to a four-year term of office if the election is held  
17 in an odd-numbered year or to a three-year term of office if the  
18 election is held in an even-numbered year, and shall hold office until  
19 a successor is elected and qualified and assumes office in accordance  
20 with RCW 29.04.170; and (c) the other person who is elected shall be  
21 elected to a two-year term of office if the election is held in an odd-  
22 numbered year or a one-year term of office if the election is held in  
23 an even-numbered year, and shall hold office until a successor is  
24 elected and qualified and assumes office in accordance with RCW  
25 29.04.170.

26 (5) The initial port commissioners shall take office immediately  
27 after being elected and qualified, but the length of their terms shall  
28 be calculated from the first day in January in the year following their  
29 elections.

30 **Sec. 6.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read  
31 as follows:

32 A ballot proposition shall be submitted to the voters of any port  
33 district authorizing an increase in the number of port commissioners to  
34 five whenever the port commission adopts a resolution proposing the  
35 increase in number of port commissioners or a petition ~~((requesting))~~  
36 proposing such an increase has been submitted to the county auditor of  
37 the county in which the port district is located that has been signed  
38 by voters of the port district at least equal in number to ten percent

1 of the number of voters in the port district who voted at the last  
2 general election. The ballot proposition shall be submitted at the  
3 next district general election occurring sixty or more days after the  
4 petition was submitted or resolution was adopted.

5 At the next district general election following the election in  
6 which an increase in the number of port commissioners was authorized,  
7 candidates for the two additional port commissioner positions shall be  
8 elected as provided in RCW 53.12.130.

9 **Sec. 7.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read  
10 as follows:

11 When the population of a port district that has three commissioners  
12 reaches five hundred thousand, in accordance with the latest United  
13 States regular or special census or with the official state population  
14 estimate, there shall be submitted to the voters of the district, at  
15 the next district general election or at a special port election called  
16 for that purpose, the proposition of increasing the number of  
17 commissioners to five. (~~At any general election thereafter, the same~~  
18 ~~proposition may be submitted by resolution of the port commissioners,~~  
19 ~~by filing a certified copy of the resolution with the county auditor at~~  
20 ~~least four months prior to the general election. If the proposition is~~  
21 ~~approved by the voters, the commission in that port district shall~~  
22 ~~consist of five commissioners.~~))

23 At the next district general election following the election in  
24 which an increase in the number of port commissioners was authorized,  
25 candidates for the two additional port commissioner positions shall be  
26 elected as provided in RCW 53.12.130.

27 **Sec. 8.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read  
28 as follows:

29 Two additional port commissioners shall be elected at the next  
30 district general election following the election at which voters  
31 authorized the increase in port commissioners to five members. (~~The~~  
32 ~~two additional positions shall be numbered positions four and five.~~))

33 The port commissioners shall divide the port district into five  
34 commissioner districts prior to the first day of June in the year in  
35 which the two additional commissioners shall be elected. The two  
36 commissioner districts in which no port commissioner resides shall be  
37 designated commissioner districts number four and five. A primary

1 shall be held to nominate candidates from districts four and five where  
2 necessary and a commissioner shall be elected from commissioner  
3 districts four and five at the general election. The persons  
4 ~~((receiving the highest number of votes for each position shall be~~  
5 ~~elected to that position and))~~ elected as commissioners from  
6 commissioner districts four and five shall take office immediately  
7 after qualification as defined under RCW 29.01.135.

8 In a port district where commissioners are elected to four-year  
9 terms of office, the additional commissioner thus elected receiving the  
10 highest number of votes shall be elected to a four-year term of office  
11 and the other additional commissioner thus elected shall be elected to  
12 a term of office of two years, if the election were held in an odd-  
13 numbered year, or the additional commissioner thus elected receiving  
14 the highest number of votes shall be elected to a term of office of  
15 three years and the other shall be elected to a term of office of one  
16 year, if the election were held in an even-numbered year. In a port  
17 district where the commissioners are elected to six-year terms of  
18 office, the additional commissioner thus elected receiving the highest  
19 number of votes shall be elected to a six-year term of office and the  
20 other additional commissioner shall be elected to a four-year term of  
21 office, if the election is held in an odd-numbered year, or the  
22 additional commissioner receiving the highest number of votes shall be  
23 elected to a term of office of five-years and the other shall be  
24 elected to a three-year term of office, if the election is held in an  
25 even-numbered year. The length of terms of office shall be computed  
26 from the first day of January in the year following this election.

27 ~~((A successor to a commissioner holding position four or five whose~~  
28 ~~term is about to expire, shall be elected at the general election next~~  
29 ~~preceding such expiration, for a))~~ Successor commissioners from  
30 districts four and five shall be elected to terms of either six or four  
31 years, depending on the length of terms of office to which  
32 commissioners of that port district are elected. ~~((Positions four and~~  
33 ~~five shall not be associated with a commissioner district and the~~  
34 ~~elections to both nominate candidates for those positions and elect~~  
35 ~~commissioners for these positions shall be held on a port district wide~~  
36 ~~basis.))~~

37 **Sec. 9.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to read  
38 as follows:

1       (~~In a port district that is not coterminous with a county that has~~  
2 ~~three county legislative authority districts and that has port~~  
3 ~~commissioner districts,~~) The port commission of a port district that  
4 uses commissioner districts may redraw the commissioner district  
5 boundaries as provided in chapter 29.70 RCW at any time and submit the  
6 redrawn boundaries to the county auditor if the port district is not  
7 coterminous with a county that has the same number of county  
8 legislative authority districts as the port has port commissioners.  
9 The new commissioner districts shall be used at the next election at  
10 which a port commissioner is regularly elected that occurs at least one  
11 hundred eighty days after the redrawn boundaries have been submitted.  
12 Each commissioner district shall encompass as nearly as possible (~~one-~~  
13 ~~third of the population of the port district~~) the same population.

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