

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1150

Chapter 146, Laws of 1992

52nd Legislature
1992 Regular Session

PORT DISTRICT COMMISSIONERS--REVISIONS

EFFECTIVE DATE: 6/11/92

Passed by the House March 7, 1992
Yeas 94 Nays 2

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1992
Yeas 40 Nays 6

JOEL PRITCHARD
President of the Senate

Approved April 1, 1992

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1150 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

April 1, 1992 - 10:21 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1150

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Spanel, Ferguson, Haugen, Wood, Nelson, Belcher, G. Fisher, Brough, Locke, H. Sommers, Wilson and Mitchell)

Read first time 02/07/92.

1 AN ACT Relating to port districts; amending RCW 53.12.010,
2 53.12.172, 53.12.120, 53.12.130, 53.16.030, 53.12.260, and 41.04.190;
3 adding new sections to chapter 53.12 RCW; adding a new section to
4 chapter 53.16 RCW; and repealing RCW 53.12.020, 53.12.035, 53.12.050,
5 53.12.057, 53.12.060, 53.12.172, 53.12.180, 53.12.190, 53.12.200,
6 53.12.220, and 53.16.010.

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

8 **Sec. 1.** RCW 53.12.010 and 1991 c 363 s 128 are each amended to
9 read as follows:

10 The powers of the port district shall be exercised through a port
11 commission consisting of three members. ~~((In any port district with~~
12 ~~boundaries that are coterminous with the boundaries of a county with a~~
13 ~~population of five hundred thousand or more the members shall be~~
14 ~~residents of the county in which the port district is located. In all~~

1 other port districts, three commissioner districts, numbered
2 consecutively, having approximately equal population and boundaries
3 following ward and precinct lines, shall be described in the petition
4 for the formation of the port district, and one commissioner shall be
5 elected from each of said commissioner districts.)) Every port district
6 that is not coextensive with a county having a population of five
7 hundred thousand or more shall be divided into three commissioner
8 districts each having approximately equal population. Where a port
9 district is coextensive with the boundaries of a county that has a
10 population of less than five hundred thousand and the county has three
11 county legislative authority districts, the port district commissioner
12 districts shall be the county legislative authority districts. In
13 other instances where a port district is divided into commissioner
14 districts, the petition proposing the formation of such a port district
15 shall describe three commissioner districts each having approximately
16 the same population and the commissioner districts shall be altered as
17 provided in chapter 53.16 RCW.

18 Commissioner districts shall be used as follows: (1) Only a
19 registered voter who resides in a commissioner district may be a
20 candidate for, or hold office as, a commissioner of the commissioner
21 district; and (2) only the voters of a commissioner district may vote
22 at a primary election to nominate candidates for a commissioner of the
23 commissioner district. Voters of the entire port district may vote at
24 a general election to elect a person as a commissioner of the
25 commissioner district.

26 In port districts having additional commissioners as authorized by
27 RCW 53.12.120 ((and)), 53.12.130, and section 7 of this act, the powers
28 of the port district shall be exercised through a port commission
29 consisting of five members constituted as provided therein.

1 **Sec. 2.** RCW 53.12.172 and 1979 ex.s. c 126 s 34 are each amended
2 to read as follows:

3 In every ((such)) port district the term of office of each port
4 commissioner shall be four years in each port district that is county-
5 wide with a population of one hundred thousand or more, or either six
6 or four years in all other port districts as provided in section 3 of
7 this act, and until ((his or her)) a successor is elected and
8 qualified(~~(, and one commissioner shall be elected at the time of the~~
9 ~~general election in each odd-numbered year for the term of six years~~
10 ~~beginning in accordance with RCW 29.04.170: PROVIDED, That the terms~~
11 ~~of office of the port commissioners shall be staggered in any district~~
12 ~~hereafter organized as follows:—(1) The candidate residing in the~~
13 ~~first commissioner district receiving the highest number of votes in~~
14 ~~the port district at the election organizing the district shall hold~~
15 ~~office until a successor assumes office who is elected from the~~
16 ~~election held in the sixth year after the organizational election, if~~
17 ~~such organizational election was held in an odd-numbered year, or from~~
18 ~~the election held in the fifth year after the organizational election~~
19 ~~if such organizational election was held in an even-numbered year; (2)~~
20 ~~the candidate residing in the second commissioner district receiving~~
21 ~~the highest number of votes in the port district at such organizational~~
22 ~~election shall hold office until a successor assumes office who is~~
23 ~~elected from the election held in the fourth year after the~~
24 ~~organizational election, if such organizational election was held in an~~
25 ~~odd-numbered year, or from the election held in the third year after~~
26 ~~the organizational election if such organizational election was held in~~
27 ~~an even-numbered year; and (3) the candidate residing in the third~~
28 ~~commissioner district receiving the highest number of votes in the port~~
29 ~~district at such organizational election shall hold office until a~~
30 ~~successor assumes office who is elected from the election held in the~~

1 ~~second year after the organizational election, if such organizational~~
2 ~~election was held in an odd-numbered year, or from the election held in~~
3 ~~the first year after the organizational election if such organizational~~
4 ~~election was held in an even-numbered year)) and assumes office in~~
5 accordance with RCW 29.04.170. The initial port commissioners shall be
6 elected at the same election as when the ballot proposition is
7 submitted to voters authorizing the creation of the port district. If
8 the port district is created the persons elected at this election shall
9 serve as the initial port commission. No primary shall be held. The
10 person receiving the greatest number of votes for commissioner from
11 each commissioner district shall be elected as the commissioner of that
12 district.

13 The terms of office of the initial port commissioners shall be
14 staggered as follows in a port district that is county-wide with a
15 population of one hundred thousand or more: (1) The two persons who
16 are elected receiving the two greatest numbers of votes shall be
17 elected to four-year terms of office if the election is held in an odd-
18 numbered year, or three-year terms of office if the election is held in
19 an even-numbered year, and shall hold office until successors are
20 elected and qualified and assume office in accordance with RCW
21 29.04.170; and (2) the other person who is elected shall be elected to
22 a two-year term of office if the election is held in an odd-numbered
23 year, or a one-year term of office if the election is held in an even-
24 numbered year, and shall hold office until a successor is elected and
25 qualified and assumes office in accordance with RCW 29.04.170. The
26 terms of office of the initial port commissioners in all other port
27 districts shall be staggered as follows: (a) The person who is elected
28 receiving the greatest number of votes shall be elected to a six-year
29 term of office if the election is held in an odd-numbered year or to a
30 five-year term of office if the election is held in an even-numbered

1 year, and shall hold office until a successor is elected and qualified
2 and assumes office in accordance with RCW 29.04.170; (b) the person who
3 is elected receiving the next greatest number of votes shall be elected
4 to a four-year term of office if the election is held in an odd-
5 numbered year or to a three-year term of office if the election is held
6 in an even-numbered year, and shall hold office until a successor is
7 elected and qualified and assumes office in accordance with RCW
8 29.04.170; and (c) the other person who is elected shall be elected to
9 a two-year term of office if the election is held in an odd-numbered
10 year or a one-year term of office if the election is held in an even-
11 numbered year, and shall hold office until a successor is elected and
12 qualified and assumes office in accordance with RCW 29.04.170.

13 The initial port commissioners shall take office immediately after
14 being elected and qualified, but the length of their terms shall be
15 calculated from the first day in January in the year following their
16 elections.

17 NEW SECTION. Sec. 3. A new section is added to chapter 53.12 RCW
18 to read as follows:

19 A ballot proposition to reduce the terms of office of port
20 commissioners from six years to four years shall be submitted to the
21 voters of any port district that otherwise would have commissioners
22 with six-year terms of office upon either resolution of the port
23 commissioners or petition of voters of the port district proposing the
24 reduction in terms of office, which petition has been signed by voters
25 of the port district equal in number to at least ten percent of the
26 number of voters in the port district voting at the last district
27 general election. The petition shall be submitted to the county
28 auditor. If the petition was signed by sufficient valid signatures,
29 the ballot proposition shall be submitted at the next district general

1 election that occurs sixty or more days after the adoption of the
2 resolution or submission of the petition.

3 If the ballot proposition reducing the terms of office of port
4 commissioners is approved by a simple majority vote of the voters
5 voting on the proposition, the commissioner or commissioners who are
6 elected at that election shall be elected to four-year terms of office.
7 The terms of office of the other commissioners shall not be reduced,
8 but each successor shall be elected to a four-year term of office.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 53.12 RCW
10 to read as follows:

11 Port commissioners of county-wide port districts with populations
12 of one hundred thousand or more who are holding office as of the
13 effective date of this act shall retain their positions for the
14 remainder of their terms until their successors are elected and
15 qualified, and assume office in accordance with RCW 29.04.170. Their
16 successors shall be elected to four-year terms of office except as
17 otherwise provided in RCW 53.12.130.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 53.12 RCW
19 to read as follows:

20 All elections relating to a port district shall conform with
21 general election law, except as expressly provided in Title 53 RCW.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.12 RCW
23 to read as follows:

24 A candidate for the office of port commissioner may withdraw his or
25 her declaration of candidacy at any time before the close of business
26 on the Thursday following the last day for candidates to file by
27 filing, with the officer with whom the declaration of candidacy was

1 filed, a signed request that his or her name not be printed on the
2 ballot. There shall be no withdrawal period for declarations of
3 candidacy filed during special filing periods. The filing officer may
4 permit the withdrawal of a filing for the office of port commissioner
5 at the request of the candidate at any time before a primary if the
6 primary ballots for that election have not been ordered. No filing fee
7 may be refunded to any candidate who withdraws under this section.
8 Notice of the deadline for withdrawal of candidacy and that the filing
9 fee is not refundable shall be given to each candidate at the time he
10 or she files.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 53.12 RCW
12 to read as follows:

13 A ballot proposition shall be submitted to the voters of any port
14 district authorizing an increase in the number of port commissioners to
15 five whenever a petition requesting such an increase has been submitted
16 to the county auditor of the county in which the port district is
17 located that has been signed by voters of the port district at least
18 equal in number to ten percent of the number of voters in the port
19 district who voted at the last general election. The ballot
20 proposition shall be submitted at the next general election occurring
21 sixty or more days after the petition was submitted.

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

26 **Sec. 8.** RCW 53.12.120 and 1982 c 219 s 1 are each amended to read
27 as follows:

1 When the population of a port district reaches five hundred
2 thousand, in accordance with the latest United States regular or
3 special census or with the official state population estimate, there
4 shall be submitted to the voters of the district, at the next general
5 election or at a special port election called for that purpose, the
6 proposition of increasing the number of commissioners to five. At any
7 general election thereafter, the same proposition may be submitted by
8 resolution of the port commissioners, by filing a certified copy of the
9 resolution with the county auditor at least four months prior to the
10 general election. If the proposition is ~~((adopted))~~ approved by the
11 voters, the commission in that port district shall consist of five
12 commissioners ~~((in positions numbered as specified in RCW 53.12.035,~~
13 ~~the additional commissioners to take office five days after the~~
14 ~~election))~~.

15 **Sec. 9.** RCW 53.12.130 and 1965 c 51 s 8 are each amended to read
16 as follows:

17 Two additional port commissioners shall be elected at the ((same))
18 next general election ((the names of the candidates for the additional
19 port commissioner positions numbered four and five shall be printed on
20 the ballot and voted on, but the election of such additional
21 commissioners shall be contingent upon the adoption of the proposition
22 for a commission of five members)) following the election at which
23 voters authorized the increase in port commissioners to five members.
24 The two additional positions shall be numbered positions four and five.
25 A primary shall be held to nominate candidates where necessary. The
26 ((candidate for each additional numbered position)) person receiving
27 the highest number of votes for each position shall be elected((7)) to
28 that position and shall take office ((five days after the election))
29 immediately after qualification as defined under RCW 29.01.135. In a

1 port district where commissioners are elected to four-year terms of
2 office, the additional commissioner thus elected receiving the highest
3 number of votes shall ((hold office for six years and the other shall
4 hold office for four years from the date provided by law for port
5 commissioners to next commence their terms of office)) be elected to a
6 four-year term of office and the other additional commissioner thus
7 elected shall be elected to a term of office of two years, if the
8 election were held in an odd-numbered year, or the additional
9 commissioner thus elected receiving the highest number of votes shall
10 be elected to a term of office of three years and the other shall be
11 elected to a term of office of one year, if the election were held in
12 an even-numbered year. In a port district where the commissioners are
13 elected to six-year terms of office, the additional commissioner thus
14 elected receiving the highest number of votes shall be elected to a
15 six-year term of office and the other additional commissioner shall be
16 elected to a four-year term of office, if the election is held in an
17 odd-numbered year, or the additional commissioner receiving the highest
18 number of votes shall be elected to a term of office of five-years and
19 the other shall be elected to a three-year term of office, if the
20 election is held in an even-numbered year. The length of terms of
21 office shall be computed from the first day of January in the year
22 following this election.

23 A successor to a commissioner holding position four or five whose
24 term is about to expire, shall be elected at the general election next
25 preceding such expiration, for a term of either six or four years,
26 depending on the length of terms of office to which commissioners of
27 that port district are elected. Positions four and five shall not be
28 associated with a commissioner district and the elections to both
29 nominate candidates for those positions and elect commissioners for
30 these positions shall be held on a port district-wide basis.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 53.16 RCW
2 to read as follows:

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

13 **Sec. 11.** RCW 53.16.030 and 1933 c 145 s 4 are each amended to read
14 as follows:

15 Any change of boundary lines provided for in this chapter shall not
16 affect the term for which a commissioner shall hold office at the time
17 the change is made(~~(, and the requirement of two years' residence~~
18 ~~within the commissioner district for eligibility for office of port~~
19 ~~commissioner shall not apply to incumbent commissioners seeking~~
20 ~~election at any port district election held within three years of the~~
21 ~~change of such district boundaries: PROVIDED, That at the time of~~
22 ~~nomination the incumbent commissioner resides in the commissioners~~
23 ~~district for which he seeks election)).~~

24 **Sec. 12.** RCW 53.12.260 and 1985 c 330 s 3 are each amended to read
25 as follows:

26 (1) Each commissioner of a port district shall receive fifty
27 dollars per day or portion thereof spent (a) in actual attendance at
28 official meetings of the port district commission, or (b) in

1 performance of other service in behalf of the district(~~(:—PROVIDED,~~
2 ~~That no commissioner shall receive compensation to exceed five thousand~~
3 ~~eight hundred dollars for any calendar year: PROVIDED FURTHER, That no~~
4 ~~commissioner of a port district shall receive compensation to exceed~~
5 ~~four thousand eight hundred dollars for any calendar year if the port~~
6 ~~district had gross operating income of less than twenty-five million~~
7 ~~dollars in the preceding calendar year)). The total per diem
8 compensation of a port commissioner shall not exceed four thousand
9 eight hundred dollars in a year, or six thousand dollars in any year
10 for a port district with gross operating income of twenty-five million
11 or more in the preceding calendar year.~~

12 (2) Port commissioners shall receive additional compensation as
13 follows: (a) Each commissioner of a port district with gross operating
14 revenues of twenty-five million dollars or more in the preceding
15 calendar year shall receive a salary of five hundred dollars per month;
16 and (b) each commissioner of a port district with gross operating
17 revenues of from one million dollars to less than twenty-five million
18 dollars in the preceding calendar year shall receive a salary of two
19 hundred dollars per month.

20 (3) In lieu of the compensation specified in this section, a port
21 commission may set compensation to be paid to commissioners.

22 (4) For any commissioner who has not elected to become a member of
23 public employees retirement system before May 1, 1975, the compensation
24 provided pursuant to this section shall not be considered salary for
25 purposes of the provisions of any retirement system created pursuant to
26 the general laws of this state nor shall attendance at such meetings or
27 other service on behalf of the district constitute service as defined
28 in RCW 41.40.010(9): PROVIDED, That in the case of a port district
29 when commissioners are receiving compensation and contributing to the
30 public employees retirement system, these benefits shall continue in

1 full force and effect notwithstanding the provisions of RCW 53.12.260
2 and 53.12.265.

3 **Sec. 13.** RCW 41.04.190 and 1983 1st ex.s. c 37 s 1 are each
4 amended to read as follows:

5 The cost of ~~((any such group))~~ a policy or plan to ~~((any such))~~ a
6 public agency or body ~~((shall))~~ is not ~~((be deemed))~~ additional
7 compensation to the employees or elected ~~((county))~~ officials covered
8 thereby~~((, and))~~. The elected officials to whom this section applies
9 include but are not limited to commissioners elected under chapters
10 28A.315, 52.14, 53.12, 54.12, 56.12, 57.12, 70.44, and 87.03 RCW, as
11 well as any county elected officials who are provided insurance
12 coverage under RCW 41.04.180. Any officer authorized to disburse such
13 funds may pay in whole or in part to ~~((any such))~~ an insurance carrier
14 or health care service contractor the amount of the premiums due
15 ~~((pursuant to any such))~~ under the contract.

16 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51
19 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;

20 (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51
21 s 3, & 1959 c 175 s 9;

22 (3) RCW 53.12.050 and 1959 c 17 s 5;

23 (4) RCW 53.12.057 and 1965 c 51 s 6;

24 (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
25 s 1, & 1913 c 62 s 3;

26 (6) RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;

27 (7) RCW 53.12.180 and 1935 c 133 s 8;

28 (8) RCW 53.12.190 and 1935 c 133 s 10;

- 1 (9) RCW 53.12.200 and 1935 c 133 s 9;
- 2 (10) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925
- 3 ex.s. c 113 s 2; and
- 4 (11) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.

Passed the House March 7, 1992.

Passed the Senate March 3, 1992.

Approved by the Governor April 1, 1992.

Filed in Office of Secretary of State April 1, 1992.