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HOUSE BILL 1965

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Ogden and Carlson

Read first time 02/17/95. Referred to Committee on Government Operations.

1 AN ACT Relating to public utility district commissioners; amending  
2 RCW 54.08.010, 54.08.060, 54.12.010, 54.40.040, and 54.40.060; adding  
3 new section to chapter 54.12 RCW; adding a new section to chapter 54.40  
4 RCW; and repealing RCW 54.40.010, 54.40.030, and 54.40.050.

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

6 **Sec. 1.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to read  
7 as follows:

8 At any general election held in an even-numbered year, the county  
9 legislative authority of any county in this state may, or, on petition  
10 of ten percent of the qualified electors of the county based on the  
11 total vote cast in the last general county election held in an even-  
12 numbered year, shall, by resolution, submit to the voters of the county  
13 the proposition of creating a public utility district which shall be  
14 coextensive with the limits of the county as now or hereafter  
15 established. A form of petition for the creation of a public utility  
16 district shall be submitted to the county auditor within ten months  
17 prior to the election at which the proposition is to be submitted to  
18 the voters. Petitions shall be filed with the county auditor not less  
19 than four months before the election and the county auditor shall

1 within thirty days examine the signatures thereof and certify to the  
2 sufficiency or insufficiency thereof. If the petition be found to be  
3 insufficient, it shall be returned to the persons filing the same, who  
4 may amend or add names thereto for ten days, when the same shall be  
5 returned to the county auditor, who shall have an additional fifteen  
6 days to examine the same and attach his certificate thereto. No person  
7 having signed the petition shall be allowed to withdraw his name  
8 therefrom after the filing of the same with the county auditor:  
9 PROVIDED, That each signature shall be dated and that no signature  
10 dated prior to the date on which the form of petition was submitted to  
11 the county auditor shall be valid. Whenever the petition shall be  
12 certified to as sufficient, the county auditor shall forthwith transmit  
13 the same, together with his certificate of sufficiency attached  
14 thereto, to the county legislative authority which shall submit the  
15 proposition to the voters of the county at the next general election in  
16 an even-numbered year occurring forty-five days after submission of the  
17 proposition to the legislative authority.

18 If the election to form a public utility district is initiated by  
19 petition, the petition shall state whether the public utility district  
20 commissioners shall serve six-year or four-year terms. If the election  
21 to form a public utility district is initiated solely by action of the  
22 county legislative authority, the county legislative authority shall  
23 state in the resolution calling for an election under this section  
24 whether the public utility district commissioners shall serve six-year  
25 or four-year terms.

26 The notice of the election shall state the boundaries of the  
27 proposed public utility district; whether the public utility district  
28 commissioners shall, except as otherwise required at the initial  
29 election, serve six-year or four-year terms; and the object of such  
30 election(~~and~~). The notice shall in other respects conform to the  
31 requirements of the general laws of the state of Washington, governing  
32 the time and manner of holding elections. In submitting the question  
33 to the voters for their approval or rejection, the proposition shall be  
34 expressed on the ballot substantially in the following terms:

35 Public Utility District No. . . . . YES 1  
36 Public Utility District No. . . . . NO 1

37 Any petition for the formation of a public utility district may  
38 describe a less area than the entire county in which the petition is

1 filed, the boundaries of which shall follow the then existing precinct  
2 boundaries and not divide any voting precinct; and in the event that  
3 such a petition is filed the county legislative authority shall fix a  
4 date for a hearing on such petition, and shall publish the petition,  
5 without the signatures thereto appended, for two weeks prior to the  
6 date of the hearing, together with a notice stating the time of the  
7 meeting when the petition will be heard. The publication, and all  
8 other publications required by this act, shall be in a newspaper of  
9 general circulation in the county in which the district is situated.  
10 The hearing on the petition may be adjourned from time to time, not  
11 exceeding four weeks in all. If upon the final hearing the county  
12 legislative authority shall find that any lands have been unjustly or  
13 improperly included within the proposed public utility district and  
14 will not be benefited by inclusion therein, it shall change and fix the  
15 boundary lines in such manner as it shall deem reasonable and just and  
16 conducive to the public welfare and convenience, and make and enter an  
17 order establishing and defining the boundary lines of the proposed  
18 public utility district: PROVIDED, That no lands shall be included  
19 within the boundaries so fixed lying outside the boundaries described  
20 in the petition, except upon the written request of the owners of those  
21 lands. Thereafter the same procedure shall be followed as prescribed  
22 in this chapter for the formation of a public utility district  
23 including an entire county, except that the petition and election shall  
24 be confined solely to the lesser public utility district.

25 No public utility district created after September 1, 1979, shall  
26 include any other public utility district within its boundaries:  
27 PROVIDED, That this paragraph shall not alter, amend, or modify  
28 provisions of chapter 54.32 RCW.

29 **Sec. 2.** RCW 54.08.060 and 1994 c 223 s 55 are each amended to read  
30 as follows:

31 (1) Whenever a proposition for the formation of a public utility  
32 district is to be submitted to voters in any county, the county  
33 legislative authority may by resolution call a special election, and at  
34 the request of petitioners for the formation of such district contained  
35 in the petition shall do so and shall provide for holding the same at  
36 the earliest practicable time. If the boundaries of the proposed  
37 district embrace an area less than the entire county, such election  
38 shall be confined to the area so included. The notice of such election

1 shall state the boundaries of the proposed district; whether the public  
2 utility district commissioners shall, except as otherwise required at  
3 the initial election, serve six-year or four-year terms; and the object  
4 of such election; in other respects, such election shall be held and  
5 called in the same manner as provided by law for the holding and  
6 calling of general elections: PROVIDED, That notice thereof shall be  
7 given for not less than ten days nor more than thirty days prior to  
8 such special election. In submitting the proposition to the voters for  
9 their approval or rejection, such proposition shall be expressed on the  
10 ballots in substantially the following terms:

11 Public Utility District No. . . . . YES  
12 Public Utility District No. . . . . NO

13 At the same special election on the proposition to form a public  
14 utility district, there shall also be an election for three public  
15 utility district commissioners. However, the election of such  
16 commissioners shall be null and void if the proposition to form the  
17 public utility district does not receive approval by a majority of the  
18 voters voting on the proposition. No primary shall be held. A special  
19 filing period shall be opened as provided in RCW 29.15.170 and  
20 29.15.180. The person receiving the greatest number of votes for the  
21 commissioner of each commissioner district shall be elected as the  
22 commissioner of that district. Commissioner districts shall be  
23 established as provided in RCW 54.12.010.

24 (2)(a) The terms of the initial commissioners, in public utility  
25 districts in which commissioners shall be subsequently elected to six-  
26 year terms, shall be staggered as follows: ((+1)) (i) The person who  
27 is elected receiving the greatest number of votes shall be elected to  
28 a six-year term of office if the election is held in an even-numbered  
29 year or a five-year term if the election is held in an odd-numbered  
30 year; ((+2)) (ii) the person who is elected receiving the next  
31 greatest number of votes shall be elected to a four-year term of office  
32 if the election is held in an even-numbered year or a three-year term  
33 of office if the election is held in an odd-numbered year; and ((+3))  
34 (iii) the other person who is elected shall be elected to a two-year  
35 term of office if the election is held in an even-numbered year or a  
36 one-year term of office if the election is held in an odd-numbered  
37 year.

1       (b) The terms of the initial commissioners, in public utility  
2 districts in which commissioners shall be subsequently elected to four-  
3 year terms, shall be staggered as follows: (i) The two persons who are  
4 elected receiving the greatest and next greatest number of votes shall  
5 be elected to four-year terms of office if the election is held in an  
6 even-numbered year or three-year terms if the election is held in an  
7 odd-numbered year; (ii) the other person who is elected shall be  
8 elected to a two-year term of office if the election is held in an  
9 even-numbered year or a one-year term of office if the election is held  
10 in an odd-numbered year.

11       The commissioners first to be elected at such special election  
12 shall assume office immediately when they are elected and qualified,  
13 but the length of their terms of office shall be calculated from the  
14 first day in January in the year following their elections.

15       The term "general election" as used herein means biennial general  
16 elections at which state and county officers in a noncharter county are  
17 elected.

18       **Sec. 3.** RCW 54.12.010 and 1994 c 223 s 56 are each amended to read  
19 as follows:

20       A public utility district that is created as provided in RCW  
21 54.08.010 shall be a municipal corporation of the state of Washington,  
22 and the name of such public utility district shall be Public Utility  
23 District No. . . . . of . . . . . County.

24       The powers of the public utility district shall be exercised  
25 through a commission consisting of three members in three commissioner  
26 districts, and five members in five commissioner districts.

27       When the public utility district is county-wide and the county has  
28 three county legislative authority districts, then, at the first  
29 election of commissioners and until any change shall have been made in  
30 the boundaries of public utility district commissioner districts, one  
31 public utility district commissioner shall be chosen from each of the  
32 three county legislative authority districts. When the public utility  
33 district comprises only a portion of the county, with boundaries  
34 established in accordance with chapter 54.08 RCW, or when the public  
35 utility district is county-wide and the county does not have three  
36 county legislative authority districts, three public utility district  
37 commissioner districts, numbered consecutively, each with approximately  
38 equal population and following precinct lines, as far as practicable,

1 shall be described in the petition for the formation of the public  
2 utility district, which shall be subject to appropriate change by the  
3 county legislative authority if and when it changes the boundaries of  
4 the proposed public utility district, and one commissioner shall be  
5 elected as a commissioner of each of the public utility district  
6 commissioner districts. Commissioner districts shall be used as  
7 follows: (1) Only a registered voter who resides in a commissioner  
8 district may be a candidate for, or hold office as, a commissioner of  
9 the commissioner district; and (2) only voters of a commissioner  
10 district may vote at a primary to nominate candidates for a  
11 commissioner of the commissioner district. Voters of the entire public  
12 utility district may vote at a general election to elect a person as a  
13 commissioner of the commissioner district.

14 The term of office of each public utility district commissioner  
15 other than the commissioners at large shall be either six or four  
16 years, as determined at the time of formation of the district or as  
17 changed pursuant to section 4 of this act, and the term of each  
18 commissioner at large shall be four years. Each term shall be computed  
19 in accordance with RCW 29.04.170 following the commissioner's election.

20 All public utility district commissioners shall hold office until  
21 their successors shall have been elected and have qualified and assume  
22 office in accordance with RCW 29.04.170.

23 A vacancy in the office of public utility district commissioner  
24 shall occur as provided in chapter 42.12 RCW or by nonattendance at  
25 meetings of the public utility district commission for a period of  
26 sixty days unless excused by the public utility district commission.  
27 Vacancies on a board of public utility district commissioners shall be  
28 filled as provided in chapter 42.12 RCW.

29 The boundaries of the public utility district commissioner  
30 districts may be changed only by the public utility district  
31 commission, and shall be examined every ten years to determine  
32 substantial equality of population in accordance with chapter 29.70  
33 RCW, but the boundaries shall not be changed oftener than once in four  
34 years, and only when all members of the commission are present.  
35 Whenever territory is added to a public utility district under RCW  
36 54.04.035, the boundaries of the public utility commissioner districts  
37 shall be changed to include such additional territory. The proposed  
38 change of the boundaries of the public utility district commissioner  
39 district must be made by resolution and after public hearing. Notice

1 of the time of a public hearing thereon shall be published for two  
2 weeks prior thereto. Upon a referendum petition signed by ten percent  
3 of the qualified voters of the public utility district being filed with  
4 the county auditor, the county legislative authority shall submit such  
5 proposed change of boundaries to the voters of the public utility  
6 district for their approval or rejection. Such petition must be filed  
7 within ninety days after the adoption of resolution of the proposed  
8 action. The validity of the petition shall be governed by the  
9 provisions of chapter 54.08 RCW.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 54.12 RCW  
11 to read as follows:

12 In any public utility district in which commissioners serve six-  
13 year terms, a ballot proposition shall be submitted to the voters of  
14 the district authorizing a change of all six-year terms to four-year  
15 terms whenever the public utility district commission adopts a  
16 resolution proposing the change in terms of office or petition  
17 proposing such a change in terms of office has been submitted to the  
18 county auditor of the county in which the public utility district is  
19 located that has been signed by voters of the public utility district  
20 at least equal in number to ten percent of the number of voters in the  
21 public utility district who voted at the last general election. The  
22 ballot proposition shall be submitted at the next general or special  
23 election occurring sixty or more days after the petition was submitted  
24 or resolution was adopted.

25 If the proposition reducing the terms of office from six to four  
26 years is approved by a majority of the voters voting on the  
27 proposition, any commissioner or commissioners who are elected at that  
28 election shall be elected to four-year terms of office. The terms of  
29 office of the other commissioners shall not be reduced, but each  
30 successor shall be elected to a four-year term of office.

31 **Sec. 5.** RCW 54.40.040 and 1994 c 223 s 58 are each amended to read  
32 as follows:

33 ((A)) In any public utility district that ((has or had a license  
34 from the federal power commission to construct a hydroelectric project  
35 of an estimated cost of more than two hundred fifty million dollars,  
36 including interest during construction, or has a population of five  
37 hundred thousand or more, shall be classified as a five commissioner





1 voters of an at-large district may vote at a primary to nominate  
2 candidates for the position of at-large commissioner from that  
3 district. Voters of the entire public utility district may vote at a  
4 general election to elect a person as commissioner for the at-large  
5 district.

6 NEW SECTION. Sec. 7. A new section is added to chapter 54.40 RCW  
7 to read as follows:

8 Petitions or resolutions calling for an election to change the  
9 terms of office of public utility district commissioners and to  
10 increase the number of commissioners from three to five pursuant to  
11 section 4 of this act and RCW 54.40.040, may be consolidated. When  
12 such a consolidated petition is certified or consolidated resolution is  
13 adopted, the questions of changing the terms of office of public  
14 utility district commissioners and of increasing the number of  
15 commissioners shall be presented separately on the election ballot and  
16 may be approved or disapproved independently of each other.

17 NEW SECTION. Sec. 8. The following acts or parts of acts are each  
18 repealed:

19 (1) RCW 54.40.010 and 1994 c 223 s 57, 1977 ex.s. c 36 s 1, & 1959  
20 c 265 s 2;

21 (2) RCW 54.40.030 and 1977 ex.s. c 36 s 3 & 1959 c 265 s 4; and

22 (3) RCW 54.40.050 and 1994 c 223 s 59, 1977 ex.s. c 36 s 5, & 1959  
23 c 265 s 6.

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