
SENATE BILL 5717

State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin, Prentice and Johnson

Read first time 02/10/97. Referred to Committee on Government Operations.

1 AN ACT Relating to public hospital district elections; amending RCW
2 70.44.040, 70.44.042, and 70.44.053; and adding new sections to chapter
3 70.44 RCW.

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

5 **Sec. 1.** RCW 70.44.040 and 1994 c 223 s 78 are each amended to read
6 as follows:

7 (1) The provisions of Title 29 RCW relating to elections shall
8 govern public hospital districts, except as provided in this chapter.

9 A public hospital district shall be created when the ballot
10 proposition authorizing the creation of the district is approved by a
11 simple majority vote of the voters of the proposed district voting on
12 the proposition and the total vote cast upon the proposition exceeds
13 forty percent of the total number of votes cast in the proposed
14 district at the preceding state general election.

15 A public hospital district initially may be created with three,
16 five, or seven commissioner districts. At the election at which the
17 proposition is submitted to the voters as to whether a district shall
18 be formed, three, five, or seven commissioners shall be elected from
19 either three, five, or seven commissioner districts, or at-large

1 positions, or both, as determined by resolution of the county
2 commissioners of the county or counties in which the proposed public
3 hospital district is located, all in accordance with section 4 of this
4 act. The election of the initial commissioners shall be null and void
5 if the district is not authorized to be created.

6 No primary shall be held. A special filing period shall be opened
7 as provided in RCW 29.15.170 and 29.15.180. The person receiving the
8 greatest number of votes for the commissioner of each commissioner
9 district or at-large position shall be elected as the commissioner of
10 that district. The terms of office of the initial public hospital
11 district commissioners shall be staggered from the date of the election
12 to create the public hospital district as follows: (a) If the proposed
13 public hospital district will have three commissioners, one
14 commissioner shall serve until the first district general election, one
15 commissioner shall serve until the second district general election and
16 one commissioner shall serve until the third district general election;
17 (b) if the proposed public hospital district will have five
18 commissioners, one commissioner shall serve until the first district
19 general election, two commissioners shall serve until the second
20 district general election, and two commissioners shall serve until the
21 third district general election; and (c) if the proposed public
22 hospital district will have seven commissioners, two commissioners
23 shall serve until the first district general election, two
24 commissioners shall serve until the second district general election,
25 and three commissioners shall serve until the third district general
26 election. In all cases, the length of the initial terms of
27 commissioners shall be assigned in accordance with the number of votes
28 received, with the persons ((who is)) elected receiving the greatest
29 number of votes ((shall be)) elected to ((a six-year term of office if
30 the election is held in an odd-numbered year or a five-year term of
31 office if the election is held in an even-numbered year; (b) the person
32 who is elected receiving the next greatest number of votes shall be
33 elected to a four-year term of office if the election is held in an
34 odd-numbered year or a three-year term of office if the election is
35 held in an even-numbered year; and (c) the other person who is elected
36 shall be elected to a two-year term of office if the election is held
37 in an odd-numbered year or a one-year term of office if the election is
38 held in an even-numbered year)) serve the longest terms. The initial
39 commissioners shall take office immediately when they are elected and

1 qualified, but the length of such terms shall be computed from the
2 first day of January in the year following this election. The term of
3 office of each successor shall be six years. Each commissioner shall
4 serve until a successor is elected and qualified and assumes office in
5 accordance with RCW 29.04.170.

6 (2) (~~Commissioner districts shall be used as follows:—(a))~~) Only
7 a registered voter who resides in a commissioner district may be a
8 candidate for, or hold office as, a commissioner of the commissioner
9 district(~~(; and (b) only voters of a commissioner district may vote at~~
10 ~~a primary to nominate candidates for a commissioner of the commissioner~~
11 ~~district))~~). Voters of the entire public hospital district may vote at
12 a primary or general election to elect a person as a commissioner of
13 the commissioner district.

14 If the proposed public hospital district initially will have three
15 commissioner districts and the public hospital district is county-wide,
16 and if the county has three county legislative authority districts, the
17 county legislative authority districts shall be used as public hospital
18 district commissioner districts. In all other instances the county
19 auditor of the county in which all or the largest portion of the
20 proposed public hospital district is located shall draw the initial
21 (~~three~~) public hospital district commissioner districts(~~(, each of~~
22 ~~which shall constitute as nearly as possible one third of the total~~
23 ~~population of the proposed public hospital district and number the~~
24 ~~districts one, two, and three)) and designate at-large positions, if
25 appropriate, as provided in section 4 of this act. Each of the
26 (~~three~~) commissioner positions shall be numbered (~~one through~~
27 ~~three~~) consecutively and associated with the commissioner district or
28 at-large position of the same number.~~

29 (~~The public hospital district commissioners may redraw~~
30 ~~commissioner districts, if the public hospital district has boundaries~~
31 ~~that are not coterminous with the boundaries of a county with three~~
32 ~~county legislative authority districts, so that each district comprises~~
33 ~~as nearly as possible one third of the total population of the public~~
34 ~~hospital district.)) The commissioners of a public hospital district
35 that is not coterminous with the boundaries of a county that has three
36 county legislative authority districts shall at the times required in
37 chapter 29.70 RCW and may from time to time redraw (~~hospital~~
38 ~~district)) commissioner district boundaries (~~(as provided)~~) in a manner
39 consistent with chapter 29.70 RCW.~~~~

1 **Sec. 2.** RCW 70.44.042 and 1967 c 227 s 2 are each amended to read
2 as follows:

3 Notwithstanding any provision in RCW 70.44.040 to the contrary, any
4 board of public hospital district commissioners may, by resolution,
5 abolish commissioner districts and permit candidates for any position
6 on the board to reside anywhere in the public hospital district.

7 At any general or special election which may be called for that
8 purpose, the board of public hospital district commissioners may, or on
9 petition of ten percent of the voters based on the total vote cast in
10 the last district general election in the public hospital district
11 shall, by resolution, submit to the voters of the district the
12 proposition to reestablish commissioner districts.

13 **Sec. 3.** RCW 70.44.053 and 1994 c 223 s 80 are each amended to read
14 as follows:

15 At any general or special election which may be called for that
16 purpose the board of public hospital district commissioners may, or on
17 petition of ten percent of the voters based on the total vote cast in
18 the last district general election in the public hospital district
19 shall, by resolution, submit to the voters of the district the
20 proposition increasing the number of commissioners to either five or
21 seven members. The petition or resolution shall specify whether it is
22 proposed to increase the number of commissioners to either five or
23 seven members.

24 ~~((If the voters of the district approve the ballot proposition~~
25 ~~authorizing the increase in the number of commissioners to either five~~
26 ~~or seven members, the board of commissioners shall redistrict the~~
27 ~~public hospital district into the appropriate number of commissioner~~
28 ~~districts.— The additional commissioners shall be elected from~~
29 ~~commissioner districts in which no existing commissioner resides at the~~
30 ~~next state general election occurring one hundred twenty days or more~~
31 ~~after the date of the election at which the voters of the district~~
32 ~~approved the ballot proposition authorizing the increase in the number~~
33 ~~of commissioners.— If needed, special filing periods shall be~~
34 ~~authorized as provided in RCW 29.15.170 and 29.15.180 for qualified~~
35 ~~persons to file for the vacant office.— A primary shall be held to~~
36 ~~nominate candidates if sufficient time exists to hold a primary and~~
37 ~~more than two candidates file for the vacant office.— Otherwise, a~~
38 ~~primary shall not be held and the candidate receiving the greatest~~

1 number of votes for each position shall be elected. Except for the
2 initial terms of office, persons elected to each of these additional
3 commissioner positions shall be elected to a six year term.

4 Where the number of commissioners is increased from three to five,
5 the initial terms of the two new commissioners shall be staggered so
6 that the person who is elected receiving the greatest number of votes
7 shall be elected to a six year term of office if the election is held
8 in an odd numbered year or a five year term if the election is held in
9 an even numbered year, and the other person elected shall be elected to
10 a four year term of office if the election is held in an odd numbered
11 year or a three year term if the election is held in an even numbered
12 year. The newly elected commissioners shall assume office as provided
13 in RCW 29.04.170.

14 Where the number of commissioners is increased from three or five
15 to seven, the county auditor of the county in which all or the largest
16 portion of the hospital district is located shall cause the initial
17 terms of office of the additional commissioners to be staggered over
18 the next three district general elections so that two commissioners
19 would normally be elected at the first district general election
20 following the election where the additional commissioners are elected,
21 two commissioners are normally elected at the second district general
22 election after the election of the additional commissioners, and three
23 commissioners are normally elected at the third district general
24 election following the election of the additional commissioners. The
25 newly elected commissioners shall assume office as provided in RCW
26 29.04.170.))

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.44 RCW
28 to read as follows:

29 If the voters of the district approve the ballot proposition
30 authorizing the increase in the number of commissioners to either five
31 or seven members, the additional commissioners shall be elected at
32 large from the entire district; provided that, the board of
33 commissioners of the district may by resolution redistrict the public
34 hospital district into five commissioner districts if the district has
35 five commissioners or seven commissioner districts if the district has
36 seven commissioners. The board of commissioners shall draw the
37 boundaries of each commissioner district to include as nearly as

1 possible equal portions of the total population of the public hospital
2 district.

3 If the board of commissioners increases the number of commissioner
4 districts as provided in this section, one commissioner shall be
5 elected from each commissioner district, and no commissioner may be
6 elected from a commissioner district in which another commissioner
7 resides.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.44 RCW
9 to read as follows:

10 In all existing public hospital districts in which an increase in
11 the number of district commissioners is proposed, the additional
12 commissioner positions shall be deemed to be vacant and the board of
13 commissioners of the public hospital district shall appoint qualified
14 persons to fill those vacancies in accordance with RCW 42.12.070.

15 Each person who is appointed shall serve until a qualified person
16 is elected at the next general election of the district occurring one
17 hundred twenty days or more after the date of the election at which the
18 voters of the district approved the ballot proposition authorizing the
19 increase in the number of commissioners. If needed, special filing
20 periods shall be authorized as provided in RCW 29.15.170 and 29.15.180
21 for qualified persons to file for the vacant office. A primary shall
22 be held to nominate candidates if sufficient time exists to hold a
23 primary and more than two candidates file for the vacant office.
24 Otherwise, no primary shall be held and the candidate receiving the
25 greatest number of votes for each position shall be elected. Except
26 for the initial terms of office, persons elected to each of these
27 additional commissioner positions shall be elected to a six-year term.
28 The newly elected commissioners shall assume office as provided in RCW
29 29.04.170.

30 The initial terms of the new commissioners shall be staggered as
31 follows: (1) When the number of commissioners is increased from three
32 to five, the person elected receiving the greatest number of votes
33 shall be elected to a six-year term of office, and the other person
34 shall be elected to a four-year term; (2) when the number of
35 commissioners is increased from three or five to seven, the terms of
36 the new commissioners shall be staggered over the next three district
37 general elections so that two commissioners will be elected at the
38 first district general election following the election where the

1 additional commissioners are elected, two commissioners will be at the
2 second district general election after the election of the additional
3 commissioners, and three commissioners will be elected at the third
4 district general election following the election of the additional
5 commissioners, with the persons elected receiving the greatest number
6 of votes elected to serve the longest terms.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.44 RCW
8 to read as follows:

9 If, as the result of redrawing the boundaries of commissioner
10 districts as permitted or required under the provisions of this
11 chapter, chapter 29.70 RCW, or any other statute, two or more incumbent
12 commissioners reside in a single commissioner district, the
13 commissioners having the shortest unexpired terms shall be appointed by
14 the board of commissioners to at-large positions or to commissioner
15 districts in which no commissioner resides and shall represent the
16 positions or districts for the remainder of their respective terms.
17 The at-large positions or districts to which commissioners are
18 appointed under this section shall not be deemed vacant under chapter
19 42.12 RCW until the terms of those commissioners expire.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.44 RCW
21 to read as follows:

22 No appointment to fill a vacant position on or election to the
23 board of commissioners of any public hospital district made after June
24 9, 1994, and before the effective date of this act is deemed to be
25 invalid solely due to the public hospital district's failure to redraw
26 its commissioner district boundaries if necessary to comply with
27 chapter 223, Laws of 1994.

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