

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1271**

Chapter 99, Laws of 1997

55th Legislature  
1997 Regular Session

PUBLIC HOSPITAL DISTRICTS--ELECTIONS, FORMATION, AND RESTRUCTURING

EFFECTIVE DATE: 4/21/97

Passed by the House February 21, 1997  
Yeas 95 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 9, 1997  
Yeas 48 Nays 0

BRAD OWEN  
**President of the Senate**

Approved April 21, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1271** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

April 21, 1997 - 4:16 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1271**

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Passed Legislature - 1997 Regular Session

**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Government Administration (originally sponsored by Representatives L. Thomas, Scott, D. Sommers, Dunshee, Doumit, Mulliken, Gardner, Wensman and D. Schmidt)

Read first time 02/11/97.

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

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, with the length of the terms  
12 assigned so that the person or persons who are elected receiving the  
13 greater number of votes being assigned a longer term or terms of office  
14 and each term of an initial commissioner running until a successor  
15 assumes office who is elected at one of the next three following  
16 district general elections the first of which occurs at least one  
17 hundred twenty days after the date of the election where voters  
18 approved the ballot proposition creating the district, as follows:

19 ~~(a) ((The person who is elected receiving the greatest number of~~  
20 ~~votes shall be elected to a six year term of office if the election is~~  
21 ~~held in an odd numbered year or a five year term of office if the~~  
22 ~~election is held in an even numbered year; (b) the person who is~~  
23 ~~elected receiving the next greatest number of votes shall be elected to~~  
24 ~~a four year term of office if the election is held in an odd numbered~~  
25 ~~year or a three year term of office if the election is held in an even-~~  
26 ~~numbered year; and (c) the other person who is elected shall be elected~~  
27 ~~to a two year term of office if the election is held in an odd numbered~~  
28 ~~year or a one year term of office if the election is held in an even-~~  
29 ~~numbered year))~~ If the public hospital district will have three  
30 commissioners, the successor to one initial commissioner shall be  
31 elected at such first following district general election, the  
32 successor to one initial commissioner shall be elected at the second  
33 following district general election, and the successor to one initial  
34 commissioner shall be elected at the third following district general  
35 election;

36 (b) If the public hospital district will have five commissioners,  
37 the successor to one initial commissioner shall be elected at such  
38 first following district general election, the successors to two  
39 initial commissioners shall be elected at the second following district

1 general election, and the successors to two initial commissioners shall  
2 be elected at the third following district general election;

3 (c) If the public hospital district will have seven commissioners,  
4 the successors to two initial commissioners shall be elected at such  
5 first following district general election, the successors to three  
6 initial commissioners shall be elected at the second following district  
7 general election, and the successors to three initial commissioners  
8 shall be elected at the third following district general election.

9 The initial commissioners shall take office immediately when they  
10 are elected and qualified(~~(, but the length of such terms shall be~~  
11 ~~computed from the first day of January in the year following this~~  
12 ~~election)).~~ The term of office of each successor shall be six years.  
13 Each commissioner shall serve until a successor is elected and  
14 qualified and assumes office in accordance with RCW 29.04.170.

15 ~~((Commissioner districts shall be used as follows: (a)))~~ Only  
16 a registered voter who resides in a commissioner district may be a  
17 candidate for, or hold office as, a commissioner of the commissioner  
18 district(~~(; and (b) only voters of a commissioner district may vote at~~  
19 ~~a primary to nominate candidates for a commissioner of the commissioner~~  
20 ~~district)).~~ Voters of the entire public hospital district may vote at  
21 a primary or general election to elect a person as a commissioner of  
22 the commissioner district.

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

38 ~~((The public hospital district commissioners may redraw~~  
39 ~~commissioner districts, if the public hospital district has boundaries~~

1 ~~that are not coterminous with the boundaries of a county with three~~  
2 ~~county legislative authority districts, so that each district comprises~~  
3 ~~as nearly as possible one third of the total population of the public~~  
4 ~~hospital district.))~~ The commissioners of a public hospital district  
5 that is not coterminous with the boundaries of a county that has three  
6 county legislative authority districts shall at the times required in  
7 chapter 29.70 RCW and may from time to time redraw ((~~hospital~~  
8 ~~district~~)) commissioner district boundaries ((~~as provided~~)) in a manner  
9 consistent with chapter 29.70 RCW.

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

12 Notwithstanding any provision in RCW 70.44.040 to the contrary, any  
13 board of public hospital district commissioners may, by resolution,  
14 abolish commissioner districts and permit candidates for any position  
15 on the board to reside anywhere in the public hospital district.

16 At any general or special election which may be called for that  
17 purpose, the board of public hospital district commissioners may, or on  
18 petition of ten percent of the voters based on the total vote cast in  
19 the last district general election in the public hospital district  
20 shall, by resolution, submit to the voters of the district the  
21 proposition to reestablish commissioner districts.

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

24 At any general or special election which may be called for that  
25 purpose the board of public hospital district commissioners may, or on  
26 petition of ten percent of the voters based on the total vote cast in  
27 the last district general election in the public hospital district  
28 shall, by resolution, submit to the voters of the district the  
29 proposition increasing the number of commissioners to either five or  
30 seven members. The petition or resolution shall specify whether it is  
31 proposed to increase the number of commissioners to either five or  
32 seven members.

33 ~~((If the voters of the district approve the ballot proposition~~  
34 ~~authorizing the increase in the number of commissioners to either five~~  
35 ~~or seven members, the board of commissioners shall redistrict the~~  
36 ~~public hospital district into the appropriate number of commissioner~~  
37 ~~districts. The additional commissioners shall be elected from~~

1 commissioner districts in which no existing commissioner resides at the  
2 next state general election occurring one hundred twenty days or more  
3 after the date of the election at which the voters of the district  
4 approved the ballot proposition authorizing the increase in the number  
5 of commissioners. If needed, special filing periods shall be  
6 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified  
7 persons to file for the vacant office. A primary shall be held to  
8 nominate candidates if sufficient time exists to hold a primary and  
9 more than two candidates file for the vacant office. Otherwise, a  
10 primary shall not be held and the candidate receiving the greatest  
11 number of votes for each position shall be elected. Except for the  
12 initial terms of office, persons elected to each of these additional  
13 commissioner positions shall be elected to a six year term.

14 Where the number of commissioners is increased from three to five,  
15 the initial terms of the two new commissioners shall be staggered so  
16 that the person who is elected receiving the greatest number of votes  
17 shall be elected to a six year term of office if the election is held  
18 in an odd numbered year or a five year term if the election is held in  
19 an even numbered year, and the other person elected shall be elected to  
20 a four year term of office if the election is held in an odd numbered  
21 year or a three year term if the election is held in an even numbered  
22 year. The newly elected commissioners shall assume office as provided  
23 in RCW 29.04.170.

24 Where the number of commissioners is increased from three or five  
25 to seven, the county auditor of the county in which all or the largest  
26 portion of the hospital district is located shall cause the initial  
27 terms of office of the additional commissioners to be staggered over  
28 the next three district general elections so that two commissioners  
29 would normally be elected at the first district general election  
30 following the election where the additional commissioners are elected,  
31 two commissioners are normally elected at the second district general  
32 election after the election of the additional commissioners, and three  
33 commissioners are normally elected at the third district general  
34 election following the election of the additional commissioners. The  
35 newly elected commissioners shall assume office as provided in RCW  
36 29.04.170.))

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

1 If the voters of the district approve the ballot proposition  
2 authorizing the increase in the number of commissioners to either five  
3 or seven members, the additional commissioners shall be elected at  
4 large from the entire district; provided that, the board of  
5 commissioners of the district may by resolution redistrict the public  
6 hospital district into five commissioner districts if the district has  
7 five commissioners or seven commissioner districts if the district has  
8 seven commissioners. The board of commissioners shall draw the  
9 boundaries of each commissioner district to include as nearly as  
10 possible equal portions of the total population of the public hospital  
11 district.

12 If the board of commissioners increases the number of commissioner  
13 districts as provided in this section, one commissioner shall be  
14 elected from each commissioner district, and no commissioner may be  
15 elected from a commissioner district in which another commissioner  
16 resides.

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

19 In all existing public hospital districts in which an increase in  
20 the number of district commissioners is proposed, the additional  
21 commissioner positions shall be deemed to be vacant and the board of  
22 commissioners of the public hospital district shall appoint qualified  
23 persons to fill those vacancies in accordance with RCW 42.12.070.

24 Each person who is appointed shall serve until a qualified person  
25 is elected at the next general election of the district occurring one  
26 hundred twenty days or more after the date of the election at which the  
27 voters of the district approved the ballot proposition authorizing the  
28 increase in the number of commissioners. If needed, special filing  
29 periods shall be authorized as provided in RCW 29.15.170 and 29.15.180  
30 for qualified persons to file for the vacant office. A primary shall  
31 be held to nominate candidates if sufficient time exists to hold a  
32 primary and more than two candidates file for the vacant office.  
33 Otherwise, no primary shall be held and the candidate receiving the  
34 greatest number of votes for each position shall be elected. Except  
35 for the initial terms of office, persons elected to each of these  
36 additional commissioner positions shall be elected to a six-year term.  
37 The newly elected commissioners shall assume office as provided in RCW  
38 29.04.170.

1       The initial terms of the new commissioners shall be staggered as  
2 follows: (1) When the number of commissioners is increased from three  
3 to five, the person elected receiving the greatest number of votes  
4 shall be elected to a six-year term of office, and the other person  
5 shall be elected to a four-year term; (2) when the number of  
6 commissioners is increased from three or five to seven, the terms of  
7 the new commissioners shall be staggered over the next three district  
8 general elections so that two commissioners will be elected at the  
9 first district general election following the election where the  
10 additional commissioners are elected, two commissioners will be at the  
11 second district general election after the election of the additional  
12 commissioners, and three commissioners will be elected at the third  
13 district general election following the election of the additional  
14 commissioners, with the persons elected receiving the greatest number  
15 of votes elected to serve the longest terms.

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

18       If, as the result of redrawing the boundaries of commissioner  
19 districts as permitted or required under the provisions of this  
20 chapter, chapter 29.70 RCW, or any other statute, more than the correct  
21 number of commissioners who are associated with commissioner districts  
22 reside in the same commissioner district, a commissioner or  
23 commissioners residing in that redrawn commissioner district equal in  
24 number to the number of commissioners in excess of the correct number  
25 shall be assigned to the drawn commissioner district or districts in  
26 which less than the correct number of commissioners associated with  
27 commissioner districts reside. The commissioner or commissioners who  
28 are so assigned shall be those with the shortest unexpired term or  
29 terms of office, but if the number of such commissioners with the same  
30 terms of office exceeds the number that are to be assigned, the board  
31 of commissioners shall select by lot from those commissioners which one  
32 or ones are assigned. A commissioner who is so assigned shall be  
33 deemed to be a resident of the commissioner district to which he or she  
34 is assigned for purposes of determining whether a position is vacant.

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



1 No appointment to fill a vacant position on or election to the  
2 board of commissioners of any public hospital district made after June  
3 9, 1994, and before the effective date of this act is deemed to be  
4 invalid solely due to the public hospital district's failure to redraw  
5 its commissioner district boundaries if necessary to comply with  
6 chapter 223, Laws of 1994.

7 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and takes effect  
10 immediately.

Passed the House February 21, 1997.

Passed the Senate April 9, 1997.

Approved by the Governor April 21, 1997.

Filed in Office of Secretary of State April 21, 1997.