

HOUSE BILL 1150

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Spanel, Ferguson, Haugen, Wood, Nelson, Belcher, G. Fisher, Brough, Locke, H. Sommers, Wilson and Mitchell.

Read first time January 21, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to port districts; amending RCW 53.12.010,
2 53.12.130, and 53.12.120; adding new sections to chapter 53.12 RCW;
3 adding a new section to chapter 53.04 RCW; creating a new section; and
4 repealing RCW 53.12.020, 53.12.035, 53.12.040, 53.12.044, 53.12.050,
5 53.12.055, 53.12.057, 53.12.060, 53.12.160, 53.12.172, 53.12.180,
6 53.12.190, 53.12.200, 53.12.210, and 53.12.220.

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

8 NEW SECTION. **Sec. 1.** The purposes of this act are to clarify
9 how port commissioners are elected and to reduce the terms of office of
10 port commissioners from six years to four years.

11 **Sec. 2.** RCW 53.12.010 and 1965 c 51 s 1 are each amended to read
12 as follows:

13 The powers of the port district shall be exercised through a port
14 commission consisting of three members who are elected to staggered

1 four-year terms. The commissioner positions shall be numbered
2 consecutively, and candidates shall run for specific positions.

3 Three commissioner districts shall exist in all port districts
4 other than in any port district that is coterminous with a county with
5 a population of five hundred thousand or more persons. The
6 commissioner districts shall be numbered consecutively, and each of the
7 three commissioner positions shall be associated with the commissioner
8 district with the same number. No person may be a candidate for such
9 a port commissioner position, nor hold office as a commissioner for
10 that position, unless he or she is a qualified voter of the
11 commissioner district associated with the commissioner position in a
12 port district with commissioner districts. Commissioner districts shall
13 be used for purposes of both residency and nomination, but the election
14 of each port commissioner shall be held on a port district-wide basis
15 with all the qualified voters of the port district being eligible to
16 vote to elect each commissioner. The initial port commissioners shall
17 be elected at the organization election as provided in section 3 of
18 this act. ((In port districts located in a class AA county the members
19 shall be residents of the county in which the port district is located.
20 In all other port districts, three commissioner districts, numbered
21 consecutively, having approximately equal population and boundaries
22 following ward and precinct lines, shall be described in the petition
23 for the formation of the port district, and one commissioner shall be
24 elected from each of said commissioner districts.))

25 No commissioner districts shall exist in any port district that is
26 coterminous with a county that has a population of five hundred
27 thousand or more. Port commissioners in such port districts shall be
28 nominated and elected on an at-large basis throughout the entire port
29 district.

1 In port districts having additional commissioners as authorized by
2 RCW 53.12.120 and 53.12.130, the powers of the port district shall be
3 exercised through a port commission consisting of five members
4 constituted as provided therein.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.12 RCW
6 to read as follows:

7 Except for the initial port commissioners and the staggering of
8 terms of the office provided under section 6 of this act, the term of
9 office of each port commissioner shall be four years and until a
10 successor is elected and qualified, at a district general election held
11 in an odd-numbered year, and assumes office in accordance with RCW
12 29.04.170.

13 The terms of office of the initial port commissioners shall be
14 staggered in any newly incorporated port district as follows: (1) Each
15 of the two winning candidates receiving the highest number of votes in
16 the port district at such organizational election shall hold office for
17 a term of four years until a successor is elected and qualified and
18 assumes office in accordance with RCW 29.04.170, if such election were
19 held in an odd-numbered year, or for a term of three years until a
20 successor is elected and qualified and assumes office in accordance
21 with RCW 29.04.170, if such election were held in an even-numbered
22 year; and (2) the other winning candidate shall hold office for a two-
23 year term until a successor is elected and qualified and assumes office
24 in accordance with RCW 29.04.170, if such election were held in an odd-
25 numbered year, or for a term of one year until a successor is elected
26 and qualified and assumes office in accordance with RCW 29.04.170, if
27 such election were held in an even-numbered year. The length of such
28 terms of office shall be computed from the first day of January in the
29 year following this election.

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

3 County legislative authority districts shall be used as the port
4 commissioner districts if the port district is coterminous with a
5 county with less than five hundred thousand population and the county
6 has three county legislative authority districts. All other port
7 commissioner districts shall be of approximately equal population and
8 be subject to chapter 29.70 RCW.

9 **Sec. 5.** RCW 53.12.130 and 1965 c 51 s 8 are each amended to read
10 as follows:

11 At the same general election the names of the candidates for the
12 additional port commissioner positions numbered four and five shall be
13 printed on the ballot and voted on, but the election of such additional
14 commissioners shall be contingent upon the ~~((adoption))~~ approval by the
15 voters of the proposition for a commission of five members. The
16 candidate for each additional numbered position receiving the highest
17 number of votes shall be elected, and shall take office ~~((five days~~
18 ~~after the election))~~ immediately after qualification as defined under
19 RCW 29.01.135. The additional commissioner thus elected receiving the
20 highest number of votes shall ~~((hold office for six years and the other~~
21 ~~shall hold office for four years from the date provided by law for port~~
22 ~~commissioners to next commence their terms of office))~~ be elected to a
23 four-year term of office and the other additional commissioner thus
24 elected shall be elected to a term of office of two years, if the
25 election were held in an odd-numbered year, or the additional
26 commissioner thus elected receiving the highest number of votes shall
27 be elected to a term of office of three years and the other shall be
28 elected to a term of office of one year, if the election were held in
29 an even-numbered year, with the length of terms of office being

1 computed from the first day of January in the year following this
2 election.

3 A successor to a commissioner holding position four or five whose
4 term is about to expire, shall be elected at the general election next
5 preceding such expiration, for a term of (~~six~~) four years. Positions
6 four and five shall not be associated with a commissioner district and
7 the elections to both nominate candidates for those positions and elect
8 commissioners for these positions shall be held on a port district-wide
9 basis.

10 NEW SECTION. Sec. 6. A new section is added to chapter 53.12 RCW
11 to read as follows:

12 Port commissioners who are holding office as of the effective date
13 of this act shall retain their position for the remainder of their
14 terms until their successors are elected and qualified, and assume
15 office in accordance with RCW 29.04.170. Their successors shall be
16 elected to four-year terms of office.

17 However, a five-member board of port commissioners shall have
18 staggered terms of office so that at every other district general
19 election two or three commissioners are elected. Such staggering will
20 be accomplished at the next two district general elections occurring
21 after the effective date of this act where two commissioner positions
22 are to be filled; the winning candidate in each of these elections who
23 receives the largest number of votes shall be elected to a four-year
24 term of office, and the other winning candidate in each of the
25 elections shall be elected to a two-year term of office.

26 NEW SECTION. Sec. 7. A new section is added to chapter 53.12 RCW
27 to read as follows:

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

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 53.04 RCW
4 to read as follows:

5 The resolution of the county legislative authority, or the petition
6 of voters, initiating the process to incorporate a port district shall
7 describe three port commissioner districts, having approximately equal
8 populations, within the proposed port district unless the proposed port
9 district is coterminous with the boundaries of a county with a
10 population of five hundred thousand or more. Where the proposed port
11 district is coterminous with a county with less than five hundred
12 thousand population, and the county has three county legislative
13 authority districts, the resolution or petition shall indicate that the
14 county legislative authority districts shall be used for port
15 commissioner districts and shall not describe the commissioner
16 districts further.

17 The initial port commissioners shall be elected at the same
18 election as when the ballot proposition authorizing the incorporation
19 of the proposed port district is submitted to the voters of the
20 proposed port district. However, the election of port commissioners
21 shall be null and void if the port district is not authorized to be
22 incorporated.

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

25 A ballot proposition shall be submitted to the voters of any port
26 district authorizing an increase in the number of port commissioners to
27 five whenever a petition requesting such an increase has been submitted
28 to the county auditor of the county in which the port district is

1 located that has been signed by voters of the port district at least
2 equal in number to ten percent of the number of voters in the port
3 district who voted at the last general election. The ballot
4 proposition shall be submitted at the next general election occurring
5 sixty or more days after the petition was submitted.

6 At the same election candidates for the two additional port
7 commissioner positions shall be voted on as provided in RCW 53.12.130.

8 **Sec. 10.** RCW 53.12.120 and 1982 c 219 s 1 are each amended to read
9 as follows:

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

24 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 53.12.020 and 1986 c 262 s 2, 1965 c 51 s 2, 1959 c 175 s
27 1, & 1959 c 17 s 4;

1 (2) RCW 53.12.035 and 1990 c 59 s 108, 1965 c 51 s 3, & 1959 c 175
2 s 9;
3 (3) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s
4 7;
5 (4) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69
6 s 3;
7 (5) RCW 53.12.050 and 1959 c 17 s 5;
8 (6) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;
9 (7) RCW 53.12.057 and 1965 c 51 s 6;
10 (8) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
11 s 1, & 1913 c 62 s 3;
12 (9) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s
13 1, & 1935 c 133 s 1;
14 (10) RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;
15 (11) RCW 53.12.180 and 1935 c 133 s 8;
16 (12) RCW 53.12.190 and 1935 c 133 s 10;
17 (13) RCW 53.12.200 and 1935 c 133 s 9;
18 (14) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s.
19 c 113 s 1; and
20 (15) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925
21 ex.s. c 113 s 2.