

HOUSE BILL 2513

State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Wynne, Haugen, Ferguson, P. Johnson, Zellinsky, Brumsickle, Ballard, Horn, Mitchell, Wood, Wilson, Morton and Paris

Read first time 01/20/92. Referred to Committee on Local Government.

1            AN ACT Relating to public utility district elections; amending RCW  
2 54.12.010; and providing an effective date.

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

4            **Sec. 1.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to read  
5 as follows:

6            (~~Within ten days after such election, the county canvassing board~~  
7 ~~shall canvass the returns, and if at such election a majority of the~~  
8 ~~voters voting upon such proposition shall vote in favor of the~~  
9 ~~formation of such district, the canvassing board shall so declare in~~  
10 ~~its canvass of the returns of such election, and such)) A public  
11 utility district (~~shall then be and become~~) that is created as  
12 provided in RCW 54.08.010 is a municipal corporation of the state of  
13 Washington, and the name of such public utility district shall be  
14 Public Utility District No. .... of ..... County. The powers of~~

1 the public utility district shall be exercised through a commission  
2 consisting of three members in three commissioner districts, and five  
3 members in five commissioner districts. When the public utility  
4 district is coextensive with the limits of such county, then, at the  
5 first election of commissioners and until any change shall have been  
6 made in the boundaries of public utility district commissioner  
7 districts, one public utility district commissioner shall be chosen  
8 from each of the three county ~~((commissioner))~~ legislative authority  
9 districts of the county in which the public utility district is located  
10 if the county ~~((is not operating under a "Home Rule" charter))~~ has  
11 three county legislative authority districts. When the public utility  
12 district comprises only a portion of the county, with boundaries  
13 established in accordance with chapter 54.08 RCW, or when the public  
14 utility district is located in a county ~~((operating under a "Home Rule"~~  
15 ~~charter))~~ that does not have three county legislative authority  
16 districts, three public utility district commissioner districts,  
17 numbered consecutively, having approximately equal population and  
18 boundaries, following ward and precinct lines, as far as practicable,  
19 shall be described in the petition for the formation of the public  
20 utility district, which shall be subject to appropriate change by the  
21 county legislative authority if and when they change the boundaries of  
22 the proposed public utility district, and one commissioner shall be  
23 elected from each of ~~((said))~~ the public utility district commissioner  
24 districts. In all five commissioner districts an additional  
25 commissioner at large shall be chosen from each of the two at large  
26 districts. No person shall be eligible to be elected to the office of  
27 public utility district commissioner for a particular district  
28 commissioner district unless he or she is a registered voter of the  
29 public utility district commissioner district or at large district from  
30 which he or she is elected.

1        Except as otherwise provided, the term of office of each public  
2 utility district commissioner other than the commissioners at large  
3 shall be six years, and the term of each commissioner at large shall be  
4 four years. Each term shall be computed in accordance with RCW  
5 29.04.170 following the commissioner's election. One commissioner at  
6 large and one commissioner from a commissioner district shall be  
7 elected at each general election held in an even-numbered year for the  
8 term of four years and six years respectively. All candidates shall be  
9 voted upon by the entire public utility district.

10        When a public utility district is formed, three public utility  
11 district commissioners shall be elected at the same election at which  
12 the proposition is submitted to the voters as to whether such public  
13 utility district shall be formed. If the general election adopting the  
14 proposition to create the public utility district was held in an even-  
15 numbered year, the commissioner residing in commissioner district  
16 number one shall hold office for the term of six years; the  
17 commissioner residing in commissioner district number two shall hold  
18 office for the term of four years; and the commissioner residing in  
19 commissioner district number three shall hold office for the term of  
20 two years. If the general election adopting the proposition to create  
21 the public utility district was held in an odd-numbered year, the  
22 commissioner residing in commissioner district number one shall hold  
23 office for the term of five years, the commissioner in district two  
24 shall hold office for the term of three years, and the commissioner in  
25 district three shall hold office for the term of one year. The  
26 commissioners first to be elected as above provided shall hold office  
27 from the first day of the month following the commissioners' election  
28 and their respective terms of office shall be computed from the first  
29 day of January next following the election.

1 All public utility district commissioners shall hold office until  
2 their successors shall have been elected and have qualified and assume  
3 office in accordance with RCW 29.04.170. A ~~((filing for nomination))~~  
4 candidate for public utility district commissioner ~~((shall be~~  
5 ~~accompanied by a petition signed by one hundred registered voters of~~  
6 ~~the public utility district which shall be certified by the county~~  
7 ~~auditor to contain the required number of registered voters, and shall~~  
8 ~~otherwise be filed in accord with the requirements of Title 29 RCW. At~~  
9 ~~the time of filing such nominating petition, the person so nominated))~~  
10 shall execute and file a declaration of candidacy subject to the  
11 provisions of Title 29 RCW, as now or hereafter amended. ~~((The~~  
12 ~~petition and each page of the petition shall state whether the~~  
13 ~~nomination is for a commissioner from a particular commissioner~~  
14 ~~district or for a commissioner at large and shall state the districts;~~  
15 ~~otherwise it shall be void.))~~ A vacancy in the office of public  
16 utility district commissioner shall occur by death, resignation,  
17 removal, conviction of a felony, nonattendance at meetings of the  
18 public utility district commission for a period of sixty days unless  
19 excused by the public utility district commission, by any statutory  
20 disqualification, or by any permanent disability preventing the proper  
21 discharge of his or her duty. In the event of a vacancy in ~~((said))~~  
22 the office, such vacancy shall be filled at the next general election  
23 held in an even-numbered year, the vacancy in the interim to be filled  
24 by appointment by the remaining commissioners. If more than one  
25 vacancy exists at the same time in a three commissioner district, or  
26 more than two in a five commissioner district, a special election shall  
27 be called by the county canvassing board upon the request of the  
28 remainder, or, that failing, by the county election board, such  
29 election to be held not more than forty days after the occurring of  
30 such vacancies.

1 A majority of the persons holding the office of public utility  
2 district commissioner at any time shall constitute a quorum of the  
3 commission for the transaction of business, and the concurrence of a  
4 majority of the persons holding such office at the time shall be  
5 necessary and shall be sufficient for the passage of any resolution,  
6 but no business shall be transacted, except in usual and ordinary  
7 course, unless there are in office at least a majority of the full  
8 number of commissioners fixed by law.

9 The boundaries of the public utility district commissioners'  
10 district may be changed only by the public utility district commission,  
11 and shall be examined every ten years to determine substantial equality  
12 of population, but ~~((said))~~ the boundaries shall not be changed oftener  
13 than once in four years, and only when all members of the commission  
14 are present. Whenever territory is added to a public utility district  
15 under RCW 54.04.035, the boundaries of the public utility  
16 commissioners' districts shall be changed to include such additional  
17 territory. The proposed change of the boundaries of the public utility  
18 district commissioners' district must be made by resolution and after  
19 public hearing. Notice of the time of a public hearing thereon shall  
20 be published for two weeks prior thereto. Upon a referendum petition  
21 signed by ten percent of the ~~((qualified))~~ registered voters of the  
22 public utility district being filed with the county auditor, the county  
23 legislative authority shall submit such proposed change of boundaries  
24 to the voters of the public utility district for their approval or  
25 rejection. Such petition must be filed within ninety days after the  
26 adoption of resolution of the proposed action. The validity of  
27 ~~((said))~~ the petition shall be governed by the provisions of chapter  
28 54.08 RCW.

29 NEW SECTION. **Sec. 2.** This act shall take effect July 1, 1992.