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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329

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State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen, A. Smith and Talmadge)

Read first time 01/17/94.

1 AN ACT Relating to port districts; amending RCW 53.12.010,  
2 53.04.023, 53.12.115, 53.12.120, 53.12.130, 53.12.175, and 53.16.015;  
3 reenacting and amending RCW 53.12.172; adding a new section to chapter  
4 53.12 RCW; and adding a new section to chapter 53.04 RCW.

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

6 **Sec. 1.** RCW 53.12.010 and 1992 c 146 s 1 are each amended to read  
7 as follows:

8 (1) The powers of the port district shall be exercised through a  
9 port commission consisting of three or, when permitted by this title,  
10 five members. Every port district that is not coextensive with a  
11 county having a population of five hundred thousand or more shall be  
12 divided into ((three)) the same number of commissioner districts as  
13 there are commissioner positions, each having approximately equal  
14 population, unless provided otherwise under subsection (2) of this  
15 section. Where a port district with three commissioner positions is  
16 coextensive with the boundaries of a county that has a population of  
17 less than five hundred thousand and the county has three county  
18 legislative authority districts, the port ((district)) commissioner  
19 districts shall be the county legislative authority districts. In

1 other instances where a port district is divided into commissioner  
2 districts, the ~~((petition proposing the formation of such a))~~ port  
3 commission shall divide the port district ~~((shall describe three))~~ into  
4 commissioner districts ~~((each having approximately the same population~~  
5 and)) unless the commissioner districts have been described pursuant to  
6 section 3 of this act. The commissioner districts shall be altered as  
7 provided in chapter 53.16 RCW.

8 Commissioner districts shall be used as follows: (1) Only a  
9 registered voter who resides in a commissioner district may be a  
10 candidate for, or hold office as, a commissioner of the commissioner  
11 district; and (2) only the voters of a commissioner district may vote  
12 at a primary ~~((election))~~ to nominate candidates for a commissioner of  
13 the commissioner district. Voters of the entire port district may vote  
14 at a general election to elect a person as a commissioner of the  
15 commissioner district.

16 ~~((In port districts having additional commissioners as authorized  
17 by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port  
18 district shall be exercised through a port commission consisting of  
19 five members constituted as provided therein.))~~

20 (2) In port districts with five commissioners, two of the  
21 commissioner districts may include the entire port district if approved  
22 by the voters of the district either at the time of formation or at a  
23 subsequent port district election at which the issue is proposed  
24 pursuant to a resolution adopted by the board of commissioners and  
25 delivered to the county auditor.

26 NEW SECTION. Sec. 2. A new section is added to chapter 53.12 RCW  
27 to read as follows:

28 Any less than county-wide port district that uses commissioner  
29 districts may cease using commissioner districts as provided in this  
30 section.

31 A ballot proposition authorizing the elimination of commissioner  
32 districts shall be submitted to the voters of a less than county-wide  
33 port district that is divided into commissioner districts if (1) a  
34 petition is submitted to the port commission proposing that the port  
35 district cease using commissioner districts, that is signed by  
36 registered voters of the port district equal in number to at least ten  
37 percent of the number of voters who voted at the last district general  
38 election; or (2) the port commissioners adopt a resolution proposing

1 that the port district cease using commissioner districts. The port  
2 commission shall transfer the petition or resolution immediately to the  
3 county auditor who shall, when a petition is submitted, review the  
4 signatures and certify its sufficiency. A ballot proposition  
5 authorizing the elimination of commissioner districts shall be  
6 submitted at the next district general election occurring sixty or more  
7 days after a petition with sufficient signatures was submitted. If the  
8 ballot proposition authorizing the port district to cease using  
9 commissioner districts is approved by a simple majority vote, the port  
10 district shall cease using commissioner districts at all subsequent  
11 elections.

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

14 Three commissioner districts, each with approximately the same  
15 population, shall be described in the petition proposing the creation  
16 of a port district under RCW 53.04.020, if the process to create the  
17 port district was initiated by voter petition, or shall be described by  
18 the county legislative authority, if the process to initiate the  
19 creation of the port district was by action of the county legislative  
20 authority. However, commissioner districts shall not be described if  
21 the commissioner districts of the proposed port district shall be the  
22 same as the county legislative authority districts.

23 The initial port commissioners shall be elected as provided in RCW  
24 53.12.172.

25 **Sec. 4.** RCW 53.04.023 and 1993 c 70 s 1 are each amended to read  
26 as follows:

27 A less than county-wide port district with an assessed valuation of  
28 at least seventy-five million dollars may be created in a county that  
29 already has a less than county-wide port district located within its  
30 boundaries. Except as provided in this section, such a port district  
31 shall be created in accordance with the procedure to create a county-  
32 wide port district.

33 The effort to create such a port district is initiated by the  
34 filing of a petition with the county auditor calling for the creation  
35 of such a port district, describing the boundaries of the proposed port  
36 district, designating either three or five commissioner positions,  
37 describing commissioner districts if the petitioners propose that the

1 commissioners represent districts, and providing a name for the  
2 proposed port district. The petition must be signed by voters residing  
3 within the proposed port district equal in number to at least ten  
4 percent of such voters who voted at the last county general election.

5 A public hearing on creation of the proposed port district shall be  
6 held by the county legislative authority if the county auditor  
7 certifies that the petition contained sufficient valid signatures.  
8 Notice of the public hearing must be published in the county's official  
9 newspaper at least ten days prior to the date of the public hearing.  
10 After taking testimony, the county legislative authority may make  
11 changes in the boundaries of the proposed port district if it finds  
12 that such changes are in the public interest and shall determine if the  
13 creation of the port district is in the public interest. No area may  
14 be added to the boundaries unless a subsequent public hearing is held  
15 on the proposed port district.

16 The county legislative authority shall submit a ballot proposition  
17 authorizing the creation of the proposed port district to the voters of  
18 the proposed port district, at any special election date provided in  
19 RCW 29.13.020, if it finds the creation of the port district to be in  
20 the public interest.

21 The port district shall be created if a majority of the voters  
22 voting on the ballot proposition favor the creation of the port  
23 district. The initial port commissioners shall be elected at the same  
24 election, from districts or at large, as provided in the petition  
25 initiating the creation of the port district. The election shall be  
26 otherwise conducted as provided in RCW 53.12.172, but the election of  
27 commissioners shall be null and void if the port district is not  
28 created. (~~Commissioner districts shall not be used in the initial~~  
29 ~~election of the port commissioners.~~)

30 This section shall expire July 1, 1997.

31 **Sec. 5.** RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and  
32 amended to read as follows:

33 (1) In every port district the term of office of each port  
34 commissioner shall be four years in each port district that is county-  
35 wide with a population of one hundred thousand or more, or either six  
36 or four years in all other port districts as provided in RCW 53.12.175,  
37 and until a successor is elected and qualified and assumes office in  
38 accordance with RCW 29.04.170.

1       (2) The initial port commissioners shall be elected at the same  
2 election as when the ballot proposition is submitted to voters  
3 authorizing the creation of the port district. If the port district is  
4 created the persons elected at this election shall serve as the initial  
5 port commission. No primary shall be held. The person receiving the  
6 greatest number of votes for commissioner from each commissioner  
7 district shall be elected as the commissioner of that district.

8       (3) The terms of office of the initial port commissioners shall be  
9 staggered as follows in a port district that is county-wide with a  
10 population of one hundred thousand or more: (~~(1)~~) (a) The two  
11 persons who are elected receiving the two greatest numbers of votes  
12 shall be elected to four-year terms of office if the election is held  
13 in an odd-numbered year, or three-year terms of office if the election  
14 is held in an even-numbered year, and shall hold office until  
15 successors are elected and qualified and assume office in accordance  
16 with RCW 29.04.170; and (~~(2)~~) (b) the other person who is elected  
17 shall be elected to a two-year term of office if the election is held  
18 in an odd-numbered year, or a one-year term of office if the election  
19 is held in an even-numbered year, and shall hold office until a  
20 successor is elected and qualified and assumes office in accordance  
21 with RCW 29.04.170.

22       (4) The terms of office of the initial port commissioners in all  
23 other port districts shall be staggered as follows: (a) The person who  
24 is elected receiving the greatest number of votes shall be elected to  
25 a six-year term of office if the election is held in an odd-numbered  
26 year or to a five-year term of office if the election is held in an  
27 even-numbered year, and shall hold office until a successor is elected  
28 and qualified and assumes office in accordance with RCW 29.04.170; (b)  
29 the person who is elected receiving the next greatest number of votes  
30 shall be elected to a four-year term of office if the election is held  
31 in an odd-numbered year or to a three-year term of office if the  
32 election is held in an even-numbered year, and shall hold office until  
33 a successor is elected and qualified and assumes office in accordance  
34 with RCW 29.04.170; and (c) the other person who is elected shall be  
35 elected to a two-year term of office if the election is held in an odd-  
36 numbered year or a one-year term of office if the election is held in  
37 an even-numbered year, and shall hold office until a successor is  
38 elected and qualified and assumes office in accordance with RCW  
39 29.04.170.

1       (5) The initial port commissioners shall take office immediately  
2 after being elected and qualified, but the length of their terms shall  
3 be calculated from the first day in January in the year following their  
4 elections.

5       **Sec. 6.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read  
6 as follows:

7       A ballot proposition shall be submitted to the voters of any port  
8 district authorizing an increase in the number of port commissioners to  
9 five whenever the port commission adopts a resolution proposing the  
10 increase in number of port commissioners or a petition ((requesting))  
11 proposing such an increase has been submitted to the county auditor of  
12 the county in which the port district is located that has been signed  
13 by voters of the port district at least equal in number to ten percent  
14 of the number of voters in the port district who voted at the last  
15 general election. The ballot proposition shall be submitted at the  
16 next general or special election occurring sixty or more days after the  
17 petition was submitted or resolution was adopted.

18       At the next general or special election following the election in  
19 which an increase in the number of port commissioners was authorized,  
20 candidates for the two additional port commissioner positions shall be  
21 elected as provided in RCW 53.12.130, and the voters may be asked to  
22 approve the nomination of commissioners from district-wide commissioner  
23 districts as permitted in section 1(2) of this act.

24       **Sec. 7.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read  
25 as follows:

26       When the population of a port district that has three commissioners  
27 reaches five hundred thousand, in accordance with the latest United  
28 States regular or special census or with the official state population  
29 estimate, there shall be submitted to the voters of the district, at  
30 the next district general election or at a special port election called  
31 for that purpose, the proposition of increasing the number of  
32 commissioners to five. ~~((At any general election thereafter, the same  
33 proposition may be submitted by resolution of the port commissioners,  
34 by filing a certified copy of the resolution with the county auditor at  
35 least four months prior to the general election. If the proposition is  
36 approved by the voters, the commission in that port district shall  
37 consist of five commissioners.))~~

1 At the next district general election following the election in  
2 which an increase in the number of port commissioners was authorized,  
3 candidates for the two additional port commissioner positions shall be  
4 elected as provided in RCW 53.12.130.

5 **Sec. 8.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read  
6 as follows:

7 Two additional port commissioners shall be elected at the next  
8 district general election following the election at which voters  
9 authorized the increase in port commissioners to five members. ((The  
10 two additional positions shall be numbered positions four and five.))

11 The port commissioners shall divide the port district into five  
12 commissioner districts prior to the first day of June in the year in  
13 which the two additional commissioners shall be elected, unless the  
14 voters approved the nomination of the two additional commissioners from  
15 district-wide commissioner districts as permitted in section 1(2) of  
16 this act. The new commissioner districts shall be numbered one through  
17 five and the three incumbent commissioners shall represent commissioner  
18 districts one through three. If, as a result of redrawing the district  
19 boundaries two or three of the incumbent commissioners reside in one of  
20 the new commissioner districts, the commissioners who reside in the  
21 same commissioner district shall determine by lot which of the first  
22 three numbered commissioner districts they shall represent for the  
23 remainder of their respective terms. A primary shall be held to  
24 nominate candidates from districts four and five where necessary and  
25 commissioners shall be elected from commissioner districts four and  
26 five at the general election. The persons ((receiving the highest  
27 number of votes for each position shall be elected to that position  
28 and)) elected as commissioners from commissioner districts four and  
29 five shall take office immediately after qualification as defined under  
30 RCW 29.01.135.

31 In a port district where commissioners are elected to four-year  
32 terms of office, the additional commissioner thus elected receiving the  
33 highest number of votes shall be elected to a four-year term of office  
34 and the other additional commissioner thus elected shall be elected to  
35 a term of office of two years, if the election ((were)) is held in an  
36 odd-numbered year, or the additional commissioner thus elected  
37 receiving the highest number of votes shall be elected to a term of  
38 office of three years and the other shall be elected to a term of

1 office of one year, if the election ((were)) is held in an even-  
2 numbered year. In a port district where the commissioners are elected  
3 to six-year terms of office, the additional commissioner thus elected  
4 receiving the highest number of votes shall be elected to a six-year  
5 term of office and the other additional commissioner shall be elected  
6 to a four-year term of office, if the election is held in an odd-  
7 numbered year, or the additional commissioner receiving the highest  
8 number of votes shall be elected to a term of office of five-years and  
9 the other shall be elected to a three-year term of office, if the  
10 election is held in an even-numbered year. The length of terms of  
11 office shall be computed from the first day of January in the year  
12 following this election.

13 ~~((A successor to a commissioner holding position four or five whose~~  
14 ~~term is about to expire, shall be elected at the general election next~~  
15 ~~preceding such expiration, for a))~~ Successor commissioners from  
16 districts four and five shall be elected to terms of either six or four  
17 years, depending on the length of terms of office to which  
18 commissioners of that port district are elected. ((Positions four and  
19 five shall not be associated with a commissioner district and the  
20 elections to both nominate candidates for those positions and elect  
21 commissioners for these positions shall be held on a port district wide  
22 basis.))

23 **Sec. 9.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read  
24 as follows:

25 A ballot proposition to reduce the terms of office of port  
26 commissioners from six years to four years shall be submitted to the  
27 voters of any port district that otherwise would have commissioners  
28 with six-year terms of office upon either resolution of the port  
29 commissioners or petition of voters of the port district proposing the  
30 reduction in terms of office, which petition has been signed by voters  
31 of the port district equal in number to at least ten percent of the  
32 number of voters in the port district voting at the last ((~~district~~))  
33 general election. The petition shall be submitted to the county  
34 auditor. If the petition was signed by sufficient valid signatures,  
35 the ballot proposition shall be submitted at the next ((~~district~~))  
36 general or special election that occurs sixty or more days after the  
37 adoption of the resolution or submission of the petition.



1 If the ballot proposition reducing the terms of office of port  
2 commissioners is approved by a simple majority vote of the voters  
3 voting on the proposition, the commissioner or commissioners who are  
4 elected at that election shall be elected to four-year terms of office.  
5 The terms of office of the other commissioners shall not be reduced,  
6 but each successor shall be elected to a four-year term of office.

7 **Sec. 10.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to  
8 read as follows:

9 (~~(In a port district that is not coterminous with a county that has  
10 three county legislative authority districts and that has port  
11 commissioner districts,~~) The port commission of a port district that  
12 uses commissioner districts may redraw the commissioner district  
13 boundaries as provided in chapter 29.70 RCW at any time and submit the  
14 redrawn boundaries to the county auditor if the port district is not  
15 coterminous with a county that has the same number of county  
16 legislative authority districts as the port has port commissioners.  
17 The new commissioner districts shall be used at the next election at  
18 which a port commissioner is regularly elected that occurs at least one  
19 hundred eighty days after the redrawn boundaries have been submitted.  
20 Each commissioner district shall encompass as nearly as possible (~~(one-  
21 third of the population of the port district)~~) the same population.

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