
SECOND SUBSTITUTE SENATE BILL 5329

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

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

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

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

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

21 Any less than county-wide port district that uses commissioner
22 districts may cease using commissioner districts as provided in this
23 section.

24 The commissioners of a less than county-wide port district that is
25 divided into commissioner districts may adopt a resolution eliminating
26 the use of commissioner districts in the port district. A copy of the
27 resolution shall be transmitted to the county auditor. Commissioner
28 districts shall not be used in that port district commencing at the
29 next district election occurring one hundred twenty or more days after
30 the county auditor receives a copy of the resolution.

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 a petition
34 is submitted to the port commission proposing that the port district
35 cease using commissioner districts, that is signed by registered voters
36 of the port district equal in number to at least ten percent of the
37 number of voters who voted at the last district general election. The
38 port commission shall transfer the petition immediately to the county

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

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

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

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

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

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

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

1 proposed port district. The petition must be signed by voters residing
2 within the proposed port district equal in number to at least ten
3 percent of such voters who voted at the last county general election.

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

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

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

29 This section shall expire July 1, 1997.

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

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

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

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

36 At the next district general election following the election in
37 which an increase in the number of port commissioners was authorized,

1 candidates for the two additional port commissioner positions shall be
2 elected as provided in RCW 53.12.130.

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

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

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

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

1 term of office and the other additional commissioner shall be elected
2 to a four-year term of office, if the election is held in an odd-
3 numbered year, or the additional commissioner receiving the highest
4 number of votes shall be elected to a term of office of five-years and
5 the other shall be elected to a three-year term of office, if the
6 election is held in an even-numbered year. The length of terms of
7 office shall be computed from the first day of January in the year
8 following this election.

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

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

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

34 If the ballot proposition reducing the terms of office of port
35 commissioners is approved by a simple majority vote of the voters
36 voting on the proposition, the commissioner or commissioners who are
37 elected at that election shall be elected to four-year terms of office.

1 The terms of office of the other commissioners shall not be reduced,
2 but each successor shall be elected to a four-year term of office.

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

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

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