
SENATE BILL 5329

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen, A. Smith and Talmadge

Read first time 01/22/93. Referred to Committee on Government Operations.

1 AN ACT Relating to port districts; amending RCW 53.12.010,
2 53.12.115, 53.12.120, 53.12.130, and 53.16.015; reenacting and amending
3 RCW 53.12.172; adding a new section to chapter 53.12 RCW; and adding
4 new sections 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 members, unless the voters of the port
10 district have authorized an increase in the number of commissioners to
11 five as provided in RCW 53.12.115 through 53.12.130.

12 Every port district that is ~~((not))~~ coextensive with a county
13 ~~((having a population of five hundred thousand or more))~~ shall be
14 divided into three or five commissioner districts, depending on the
15 number of port commissioners in the district, each having approximately
16 equal population. A port district that is less than county-wide shall
17 be divided into three or five commissioner districts, depending on the
18 number of commissioners in the district, unless the port district does
19 not use commissioner districts as provided under section 2 or 4 of this

1 act. Where a port district is coextensive with the boundaries of a
2 county that ~~((has a population of less than five hundred thousand and
3 the county has three))~~ is divided into the same number of county
4 legislative authority districts that the port district has port
5 commissioners, the port district commissioner districts shall be the
6 county legislative authority districts. In other instances where a
7 port district is divided into commissioner districts, the ~~((petition
8 proposing the formation of such a port district shall describe three))~~
9 port commission shall divide the port district into commissioner
10 districts equal in number to the number of port commissioners, each
11 having approximately the same population ~~((and the)).~~ Commissioner
12 districts shall be altered as provided in chapter 53.16 RCW.

13 Commissioner districts shall be used as follows: (1) Only a
14 registered voter who resides in a commissioner district may be a
15 candidate for, or hold office as, a commissioner of the commissioner
16 district; and (2) only the voters of a commissioner district may vote
17 at a primary election to nominate candidates for a commissioner of the
18 commissioner district. In addition, in port districts with a
19 population of five hundred thousand or more, only voters of a
20 commissioner district may vote at a general election to elect a person
21 as a commissioner of the commissioner district, but in all other port
22 districts voters of the entire port district may vote at a general
23 election to elect a person as a commissioner of the commissioner
24 district.

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

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

31 Any less than county-wide port district that uses commissioner
32 districts may cease using commissioner districts as provided in this
33 section.

34 The commissioners of a less than county-wide port district that is
35 divided into commissioner districts may adopt a resolution eliminating
36 the use of commissioner districts in the port district. A copy of the
37 resolution shall be transmitted to the county auditor. Commissioner
38 districts shall not be used in that port district commencing at the

1 next district election occurring one hundred twenty or more days after
2 the county auditor receives a copy of the resolution.

3 A ballot proposition authorizing the elimination of commissioner
4 districts shall be submitted to the voters of a less than county-wide
5 port district that is divided into commissioner districts if a petition
6 is submitted to the port commission proposing that the port district
7 cease using commissioner districts, that is signed by voters of the
8 port district equal in number to at least ten percent of the number of
9 voters residing in the port district who voted at the last district
10 general election. The port commission shall transfer the petition
11 immediately to the county auditor who shall review the signatures and
12 certify its sufficiency. A ballot proposition authorizing the
13 elimination of commissioner districts shall be submitted at the next
14 district general election occurring sixty or more days after a petition
15 with sufficient signatures was submitted. If the ballot proposition
16 authorizing the port district to cease using commissioner districts is
17 approved by a simple majority vote, the port district shall cease using
18 commissioner districts at all subsequent elections. The port
19 commission may adopt a resolution eliminating the use of commissioner
20 districts in lieu of having the ballot proposition submitted to
21 district voters.

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

24 Three commissioner districts, each with approximately the same
25 population, shall be described in the petition proposing the creation
26 of a port district under RCW 53.04.020, if the process to create the
27 port district was initiated by voter petition, or shall be described by
28 the county legislative authority, if the process to initiate the
29 creation of the port district was by action of the county legislative
30 authority. However, commissioner districts shall not be described if
31 the proposed port district is coterminous with a county that is divided
32 into three county legislative authority districts and the commissioner
33 districts of the proposed port district shall be the same as the county
34 legislative authority districts.

35 The initial port commissioners shall be elected as provided in RCW
36 53.12.172.

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

3 If the petition initiating the creation of a less than county-wide
4 port district under RCW 53.04.023 describes three commissioner
5 districts, each with approximately the same population, then
6 commissioner districts shall be used to elect commissioners in the
7 proposed port district. The initial port commissioners in such a port
8 district shall be elected as provided in RCW 53.12.172.

9 However, if the petition initiating the creation of a less than
10 county-wide port district under RCW 53.04.023 does not describe three
11 commissioner districts, then commissioner districts shall not be used
12 to elect commissioners in the proposed port district. The initial port
13 commissioners in the proposed port district shall be elected as
14 provided in RCW 53.12.172, except that commissioner districts shall not
15 be used. Candidates shall run for a specific commission position.

16 This section shall expire July 1, 1997.

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

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

25 (2) The initial port commissioners shall be elected at the same
26 election as when the ballot proposition is submitted to voters
27 authorizing the creation of the port district. If the port district is
28 created the persons elected at this election shall serve as the initial
29 port commission. No primary shall be held. The person receiving the
30 greatest number of votes for commissioner from each commissioner
31 district shall be elected as the commissioner of that district.

32 (3) The terms of office of the initial port commissioners shall be
33 staggered as follows in a port district that is county-wide with a
34 population of one hundred thousand or more: ~~((+1))~~ (a) The two
35 persons who are elected receiving the two greatest numbers of votes
36 shall be elected to four-year terms of office if the election is held
37 in an odd-numbered year, or three-year terms of office if the election
38 is held in an even-numbered year, and shall hold office until

1 successors are elected and qualified and assume office in accordance
2 with RCW 29.04.170; and (~~(+2)~~) (b) the other person who is elected
3 shall be elected to a two-year term of office if the election is held
4 in an odd-numbered year, or a one-year term of office if the election
5 is held in an even-numbered year, and shall hold office until a
6 successor is elected and qualified and assumes office in accordance
7 with RCW 29.04.170.

8 (4) The terms of office of the initial port commissioners in all
9 other port districts shall be staggered as follows: (a) The person who
10 is elected receiving the greatest number of votes shall be elected to
11 a six-year term of office if the election is held in an odd-numbered
12 year or to a five-year term of office if the election is held in an
13 even-numbered year, and shall hold office until a successor is elected
14 and qualified and assumes office in accordance with RCW 29.04.170; (b)
15 the person who is elected receiving the next greatest number of votes
16 shall be elected to a four-year term of office if the election is held
17 in an odd-numbered year or to a three-year term of office if the
18 election is held in an even-numbered year, and shall hold office until
19 a successor is elected and qualified and assumes office in accordance
20 with RCW 29.04.170; and (c) the other person who is elected shall be
21 elected to a two-year term of office if the election is held in an odd-
22 numbered year or a one-year term of office if the election is held in
23 an even-numbered year, and shall hold office until a successor is
24 elected and qualified and assumes office in accordance with RCW
25 29.04.170.

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

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

32 A ballot proposition shall be submitted to the voters of any port
33 district authorizing an increase in the number of port commissioners to
34 five whenever the port commission adopts a resolution proposing the
35 increase in number of port commissioners or a petition (~~(requesting)~~)
36 proposing such an increase has been submitted to the county auditor of
37 the county in which the port district is located that has been signed
38 by voters of the port district at least equal in number to ten percent

1 of the number of voters in the port district who voted at the last
2 general election. The ballot proposition shall be submitted at the
3 next district general election occurring sixty or more days after the
4 petition was submitted or resolution was adopted.

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

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

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

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

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

29 Two additional port commissioners shall be elected at the next
30 district general election following the election at which voters
31 authorized the increase in port commissioners to five members. (~~The~~
32 ~~two additional positions shall be numbered positions four and five.))~~

33 The port commissioners shall divide the port district into five
34 commissioner districts prior to the first day of June in the year in
35 which the two additional commissioners shall be elected. The two
36 commissioner districts in which no port commissioner resides shall be
37 designated commissioner districts number four and five. A primary

1 shall be held to nominate candidates from districts four and five where
2 necessary and a commissioner shall be elected from commissioner
3 districts four and five at the general election. The persons
4 ~~((receiving the highest number of votes for each position shall be~~
5 ~~elected to that position and))~~ elected as commissioners from
6 commissioner districts four and five shall take office immediately
7 after qualification as defined under RCW 29.01.135.

8 In a port district where commissioners are elected to four-year
9 terms of office, the additional commissioner thus elected receiving the
10 highest number of votes shall be elected to a four-year term of office
11 and the other additional commissioner thus elected shall be elected to
12 a term of office of two years, if the election were held in an odd-
13 numbered year, or the additional commissioner thus elected receiving
14 the highest number of votes shall be elected to a term of office of
15 three years and the other shall be elected to a term of office of one
16 year, if the election were held in an even-numbered year. In a port
17 district where the commissioners are elected to six-year terms of
18 office, the additional commissioner thus elected receiving the highest
19 number of votes shall be elected to a six-year term of office and the
20 other additional commissioner shall be elected to a four-year term of
21 office, if the election is held in an odd-numbered year, or the
22 additional commissioner receiving the highest number of votes shall be
23 elected to a term of office of five-years and the other shall be
24 elected to a three-year term of office, if the election is held in an
25 even-numbered year. The length of terms of office shall be computed
26 from the first day of January in the year following this election.

27 ~~((A successor to a commissioner holding position four or five whose~~
28 ~~term is about to expire, shall be elected at the general election next~~
29 ~~preceding such expiration, for a))~~ Successor commissioners from
30 districts four and five shall be elected to terms of either six or four
31 years, depending on the length of terms of office to which
32 commissioners of that port district are elected. ~~((Positions four and~~
33 ~~five shall not be associated with a commissioner district and the~~
34 ~~elections to both nominate candidates for those positions and elect~~
35 ~~commissioners for these positions shall be held on a port district wide~~
36 ~~basis.))~~

37 **Sec. 9.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to read
38 as follows:

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

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