

SSB 5437 - H COMM AMD
By Committee on Local Government

ADOPTED AND ENGROSSED 04/06/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 42.12.070 and 2013 c 11 s 89 are each amended to
4 read as follows:

5 A vacancy on an elected nonpartisan governing body of a
6 qualifying special purpose district (~~where property ownership is not~~
7 ~~a qualification to vote~~), a town, or a city other than a first-class
8 city or a charter code city, shall be filled as follows unless the
9 provisions of law relating to the qualifying special purpose
10 district, town, or city provide otherwise:

11 (1) Where one position is vacant, the remaining members of the
12 governing body shall appoint a qualified person to fill the vacant
13 position.

14 (2) Where two or more positions are vacant and two or more
15 members of the governing body remain in office, the remaining members
16 of the governing body shall appoint a qualified person to fill one of
17 the vacant positions, the remaining members of the governing body and
18 the newly appointed person shall appoint another qualified person to
19 fill another vacant position, and so on until each of the vacant
20 positions is filled with each of the new appointees participating in
21 each appointment that is made after his or her appointment.

22 (3) If less than two members of a governing body remain in
23 office, the county legislative authority of the county in which all
24 or the largest geographic portion of the city, town, or qualifying
25 special purpose district is located shall appoint a qualified person
26 or persons to the governing body until the governing body has two
27 members.

28 (4) If a governing body fails to appoint a qualified person to
29 fill a vacancy within ninety days of the occurrence of the vacancy,
30 the authority of the governing body to fill the vacancy shall cease
31 and the county legislative authority of the county in which all or
32 the largest geographic portion of the city, town, or qualifying

1 special purpose district is located shall appoint a qualified person
2 to fill the vacancy.

3 (5) If the county legislative authority of the county fails to
4 appoint a qualified person within one hundred eighty days of the
5 occurrence of the vacancy, the county legislative authority or the
6 remaining members of the governing body of the city, town, or
7 qualifying special purpose district may petition the governor to
8 appoint a qualified person to fill the vacancy. The governor may
9 appoint a qualified person to fill the vacancy after being petitioned
10 if at the time the governor fills the vacancy the county legislative
11 authority has not appointed a qualified person to fill the vacancy.

12 (6) As provided in chapter 29A.24 RCW, each person who is
13 appointed shall serve until a qualified person is elected at the next
14 election at which a member of the governing body normally would be
15 elected. The person elected shall take office immediately and serve
16 the remainder of the unexpired term.

17 (7) For purposes of this section, "qualifying special purpose
18 district" means a fire protection district created under chapter
19 52.02 RCW with assessed values under \$5,000,000,000 and a regional
20 fire protection service authority created under chapter 52.26 RCW
21 with assessed values under \$5,000,000,000.

22 NEW SECTION. Sec. 2. A new section is added to chapter 42.12
23 RCW to read as follows:

24 A vacancy on an elected nonpartisan governing body of a special
25 purpose district where property ownership is not a qualification to
26 vote or that is not a qualifying special purpose district defined in
27 RCW 42.12.070, shall be filled as follows unless the provisions of
28 law relating to the special purpose district provide otherwise:

29 (1) After a vacancy occurs, the remaining members of the
30 governing body must nominate at least one candidate at a meeting of
31 the governing body. The governing body must then cause notice of the
32 vacancy and the name of the nominated candidate or candidates to be
33 posted in three public places in the special purpose district,
34 including on the district's website if the district has a website,
35 for a minimum of 15 days. During the notice period, registered voters
36 who reside in the special purpose district may submit nominations to
37 the remaining members of the governing body.

38 (2) After the notice period described in subsection (1) of this
39 section, the remaining members of the governing body shall appoint a

1 qualified person to fill the vacant position from the candidates
2 nominated by either the governing body or the public at a meeting of
3 the governing body.

4 (3) Where two or more positions are vacant and two or more
5 members of the governing body remain in office, the remaining members
6 of the governing body shall appoint a qualified person to fill one of
7 the vacant positions under the nomination process described in
8 subsection (1) of this section, the remaining members of the
9 governing body and the newly appointed person shall appoint another
10 qualified person to fill another vacant position under the nomination
11 process described in subsection (1) of this section, and so on until
12 each of the vacant positions is filled with each of the new
13 appointees participating in each appointment that is made after his
14 or her appointment.

15 (4) If less than two members of a governing body remain in
16 office, the county legislative authority of the county in which all
17 or the largest geographic portion of the special purpose district is
18 located shall appoint a qualified person or persons to the governing
19 body until the governing body has two members.

20 (5) If a governing body fails to appoint a qualified person to
21 fill a vacancy within 90 days of the occurrence of the vacancy, the
22 authority of the governing body to fill the vacancy shall cease and
23 the county legislative authority of the county in which all or the
24 largest geographic portion of the special purpose district is located
25 shall appoint a qualified person to fill the vacancy.

26 (6) If the county legislative authority of the county fails to
27 appoint a qualified person within 180 days of the occurrence of the
28 vacancy, the county legislative authority or the remaining members of
29 the governing body of the special purpose district may petition the
30 governor to appoint a qualified person to fill the vacancy. The
31 governor may appoint a qualified person to fill the vacancy after
32 being petitioned if at the time the governor fills the vacancy the
33 county legislative authority has not appointed a qualified person to
34 fill the vacancy.

35 (7) As provided in chapter 29A.24 RCW, each person who is
36 appointed shall serve until a qualified person is elected at the next
37 election at which a member of the governing body normally would be
38 elected. The person elected shall take office immediately and serve
39 the remainder of the unexpired term.

1 **Sec. 3.** RCW 43.06.010 and 2014 c 202 s 305 are each amended to
2 read as follows:

3 In addition to those prescribed by the Constitution, the governor
4 may exercise the powers and perform the duties prescribed in this and
5 the following sections:

6 (1) The governor shall supervise the conduct of all executive and
7 ministerial offices;

8 (2) The governor shall see that all offices are filled, including
9 as provided in RCW 42.12.070 and section 2 of this act, and the
10 duties thereof performed, or in default thereof, apply such remedy as
11 the law allows; and if the remedy is imperfect, acquaint the
12 legislature therewith at its next session;

13 (3) The governor shall make the appointments and supply the
14 vacancies mentioned in this title;

15 (4) The governor is the sole official organ of communication
16 between the government of this state and the government of any other
17 state or territory, or of the United States;

18 (5) Whenever any suit or legal proceeding is pending against this
19 state, or which may affect the title of this state to any property,
20 or which may result in any claim against the state, the governor may
21 direct the attorney general to appear on behalf of the state, and
22 report the same to the governor, or to any grand jury designated by
23 the governor, or to the legislature when next in session;

24 (6) The governor may require the attorney general or any
25 prosecuting attorney to inquire into the affairs or management of any
26 corporation existing under the laws of this state, or doing business
27 in this state, and report the same to the governor, or to any grand
28 jury designated by the governor, or to the legislature when next in
29 session;

30 (7) The governor may require the attorney general to aid any
31 prosecuting attorney in the discharge of the prosecutor's duties;

32 (8) The governor may offer rewards, not exceeding one thousand
33 dollars in each case, payable out of the state treasury, for
34 information leading to the apprehension of any person convicted of a
35 felony who has escaped from a state correctional institution or for
36 information leading to the arrest of any person who has committed or
37 is charged with the commission of a felony;

38 (9) The governor shall perform such duties respecting fugitives
39 from justice as are prescribed by law;

1 (10) The governor shall issue and transmit election proclamations
2 as prescribed by law;

3 (11) The governor may require any officer or board to make, upon
4 demand, special reports to the governor, in writing;

5 (12) The governor may, after finding that a public disorder,
6 disaster, energy emergency, or riot exists within this state or any
7 part thereof which affects life, health, property, or the public
8 peace, proclaim a state of emergency in the area affected, and the
9 powers granted the governor during a state of emergency shall be
10 effective only within the area described in the proclamation;

11 (13) The governor may, after finding that there exists within
12 this state an imminent danger of infestation of plant pests as
13 defined in RCW 17.24.007 or plant diseases which seriously endangers
14 the agricultural or horticultural industries of the state of
15 Washington, or which seriously threatens life, health, or economic
16 well-being, order emergency measures to prevent or abate the
17 infestation or disease situation, which measures, after thorough
18 evaluation of all other alternatives, may include the aerial
19 application of pesticides;

20 (14) The governor, after finding that a prohibited level 1 or
21 level 2 species as defined in chapter 77.135 RCW has been detected
22 and after finding that the detected species seriously endangers or
23 threatens the environment, economy, human health, or well-being of
24 the state of Washington, may order emergency measures to prevent or
25 abate the prohibited species, which measures, after thorough
26 evaluation of all other alternatives, may include the surface or
27 aerial application of pesticides;

28 (15) On all compacts forwarded to the governor pursuant to RCW
29 9.46.360(6), the governor is authorized and empowered to execute on
30 behalf of the state compacts with federally recognized Indian tribes
31 in the state of Washington pursuant to the federal Indian Gaming
32 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
33 gaming, as defined in the Act, on Indian lands.

34 **Sec. 4.** RCW 70.44.056 and 2015 c 53 s 94 are each amended to
35 read as follows:

36 In all existing public hospital districts in which an increase in
37 the number of district commissioners is proposed, the additional
38 commissioner positions shall be deemed to be vacant and the board of
39 commissioners of the public hospital district shall appoint qualified

1 persons to fill those vacancies in accordance with ((~~RCW 42.12.070~~))
2 section 2 of this act.

3 Each person who is appointed shall serve until a qualified person
4 is elected at the next general election of the district occurring one
5 hundred twenty days or more after the date of the election at which
6 the voters of the district approved the ballot proposition
7 authorizing the increase in the number of commissioners. If needed,
8 special filing periods shall be authorized as provided in RCW
9 29A.24.171 and 29A.24.181 for qualified persons to file for the
10 vacant office. A primary shall be held to nominate candidates if
11 sufficient time exists to hold a primary and more than two candidates
12 file for the vacant office. Otherwise, no primary shall be held and
13 the candidate receiving the greatest number of votes for each
14 position shall be elected. Except for the initial terms of office,
15 persons elected to each of these additional commissioner positions
16 shall be elected to a six-year term. The newly elected commissioners
17 shall assume office as provided in RCW 29A.60.280.

18 The initial terms of the new commissioners shall be staggered as
19 follows: (1) When the number of commissioners is increased from three
20 to five, the person elected receiving the greatest number of votes
21 shall be elected to a six-year term of office, and the other person
22 shall be elected to a four-year term; (2) when the number of
23 commissioners is increased from three or five to seven, the terms of
24 the new commissioners shall be staggered over the next three district
25 general elections so that two commissioners will be elected at the
26 first district general election following the election where the
27 additional commissioners are elected, two commissioners will be at
28 the second district general election after the election of the
29 additional commissioners, and three commissioners will be elected at
30 the third district general election following the election of the
31 additional commissioners, with the persons elected receiving the
32 greatest number of votes elected to serve the longest terms."

33 Correct the title.

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