
ENGROSSED SUBSTITUTE HOUSE BILL 1150

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Spanel, Ferguson, Haugen, Wood, Nelson, Belcher, G. Fisher, Brough, Locke, H. Sommers, Wilson and Mitchell)

Read first time 02/07/92.

1 AN ACT Relating to port districts; amending RCW 53.12.010,
2 53.12.172, 53.12.120, 53.12.130, 53.16.030, and 53.12.260; adding new
3 sections to chapter 53.12 RCW; adding a new section to chapter 53.16
4 RCW; and repealing RCW 53.12.020, 53.12.035, 53.12.050, 53.12.057,
5 53.12.060, 53.12.172, 53.12.180, 53.12.190, 53.12.200, 53.12.220, and
6 53.16.010.

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

8 **Sec. 1.** RCW 53.12.010 and 1991 c 363 s 128 are each amended to
9 read as follows:

10 The powers of the port district shall be exercised through a port
11 commission consisting of three members. ~~((In any port district with~~
12 ~~boundaries that are coterminous with the boundaries of a county with a~~
13 ~~population of five hundred thousand or more the members shall be~~
14 ~~residents of the county in which the port district is located. In all~~

1 ~~other port districts, three commissioner districts, numbered~~
2 ~~consecutively, having approximately equal population and boundaries~~
3 ~~following ward and precinct lines, shall be described in the petition~~
4 ~~for the formation of the port district, and one commissioner shall be~~
5 ~~elected from each of said commissioner districts.)) Every port district~~
6 that is not coextensive with a county having a population of five
7 hundred thousand or more shall be divided into three commissioner
8 districts each having approximately equal population. Where a port
9 district is coextensive with the boundaries of a county that has a
10 population of less than five hundred thousand and the county has three
11 county legislative authority districts, the port district commissioner
12 districts shall be the county legislative authority districts. In
13 other instances where a port district is divided into commissioner
14 districts, the petition proposing the formation of such a port district
15 shall describe three commissioner districts each having approximately
16 the same population and the commissioner districts shall be altered as
17 provided in chapter 53.16 RCW.

18 Commissioner districts shall be used as follows: (1) Only a
19 registered voter who resides in a commissioner district may be a
20 candidate for, or hold office as, a commissioner of the commissioner
21 district; and (2) only the voters of a commissioner district may vote
22 at a primary election to nominate candidates for a commissioner of the
23 commissioner district. Voters of the entire port district may vote at
24 a general election to elect a person as a commissioner of the
25 commissioner district.

26 In port districts having additional commissioners as authorized by
27 RCW 53.12.120 ((and)), 53.12.130, and section 6 of this act, the powers
28 of the port district shall be exercised through a port commission
29 consisting of five members constituted as provided therein.

1 **Sec. 2.** RCW 53.12.172 and 1979 ex.s. c 126 s 34 are each amended
2 to read as follows:

3 In every ((such)) port district the term of office of each port
4 commissioner shall be four years in each port district that is county-
5 wide with a population of one hundred thousand or more, or either six
6 or four years in all other port districts as provided in section 3 of
7 this act, and until ((his or her)) a successor is elected and
8 qualified(~~(, and one commissioner shall be elected at the time of the~~
9 ~~general election in each odd-numbered year for the term of six years~~
10 ~~beginning in accordance with RCW 29.04.170: PROVIDED, That the terms~~
11 ~~of office of the port commissioners shall be staggered in any district~~
12 ~~hereafter organized as follows:—(1) The candidate residing in the~~
13 ~~first commissioner district receiving the highest number of votes in~~
14 ~~the port district at the election organizing the district shall hold~~
15 ~~office until a successor assumes office who is elected from the~~
16 ~~election held in the sixth year after the organizational election, if~~
17 ~~such organizational election was held in an odd-numbered year, or from~~
18 ~~the election held in the fifth year after the organizational election~~
19 ~~if such organizational election was held in an even-numbered year; (2)~~
20 ~~the candidate residing in the second commissioner district receiving~~
21 ~~the highest number of votes in the port district at such organizational~~
22 ~~election shall hold office until a successor assumes office who is~~
23 ~~elected from the election held in the fourth year after the~~
24 ~~organizational election, if such organizational election was held in an~~
25 ~~odd-numbered year, or from the election held in the third year after~~
26 ~~the organizational election if such organizational election was held in~~
27 ~~an even-numbered year; and (3) the candidate residing in the third~~
28 ~~commissioner district receiving the highest number of votes in the port~~
29 ~~district at such organizational election shall hold office until a~~
30 ~~successor assumes office who is elected from the election held in the~~

1 ~~second year after the organizational election, if such organizational~~
2 ~~election was held in an odd-numbered year, or from the election held in~~
3 ~~the first year after the organizational election if such organizational~~
4 ~~election was held in an even-numbered year)) and assumes office in~~
5 accordance with RCW 29.04.170. The initial port commissioners shall be
6 elected at the same election as when the ballot proposition is
7 submitted to voters authorizing the creation of the port district. If
8 the port district is created the persons elected at this election shall
9 serve as the initial port commission. No primary shall be held. The
10 person receiving the greatest number of votes for commissioner from
11 each commissioner district shall be elected as the commissioner of that
12 district.

13 The terms of office of the initial port commissioners shall be
14 staggered as follows in a port district that is county-wide with a
15 population of one hundred thousand or more: (1) The two persons who
16 are elected receiving the two greatest numbers of votes shall be
17 elected to four-year terms of office if the election is held in an odd-
18 numbered year, or three-year terms of office if the election is held in
19 an even-numbered year, and shall hold office until successors are
20 elected and qualified and assume office in accordance with RCW
21 29.04.170; and (2) the other person who is elected shall be elected to
22 a two-year term of office if the election is held in an odd-numbered
23 year, or a one-year term of office if the election is held in an even-
24 numbered year, and shall hold office until a successor is elected and
25 qualified and assumes office in accordance with RCW 29.04.170. The
26 terms of office of the initial port commissioners in all other port
27 districts shall be staggered as follows: (a) The person who is elected
28 receiving the greatest number of votes shall be elected to a six-year
29 term of office if the election is held in an odd-numbered year or to a
30 five-year term of office if the election is held in an even-numbered

1 year, and shall hold office until a successor is elected and qualified
2 and assumes office in accordance with RCW 29.04.170; (b) the person who
3 is elected receiving the next greatest number of votes shall be elected
4 to a four-year term of office if the election is held in an odd-
5 numbered year or to a three-year term of office if the election is held
6 in an even-numbered year, and shall hold office until a successor is
7 elected and qualified and assumes office in accordance with RCW
8 29.04.170; and (c) the other person who is elected shall be elected to
9 a two-year term of office if the election is held in an odd-numbered
10 year or a one-year term of office if the election is held in an even-
11 numbered year, and shall hold office until a successor is elected and
12 qualified and assumes office in accordance with RCW 29.04.170.

13 The initial port commissioners shall take office immediately after
14 being elected and qualified, but the length of their terms shall be
15 calculated from the first day in January in the year following their
16 elections.

17 NEW SECTION. Sec. 3. A new section is added to chapter 53.12 RCW
18 to read as follows:

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

1 election that occurs sixty or more days after the adoption of the
2 resolution or submission of the petition.

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

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 53.12 RCW
10 to read as follows:

11 Port commissioners of county-wide port districts with populations
12 of one hundred thousand or more who are holding office as of the
13 effective date of this act shall retain their positions for the
14 remainder of their terms until their successors are elected and
15 qualified, and assume office in accordance with RCW 29.04.170. Their
16 successors shall be elected to four-year terms of office.

17 However, a five-member board of port commissioners shall have
18 staggered terms of office so that at every other district general
19 election two or three commissioners are elected. Such staggering will
20 be accomplished at the next two district general elections occurring
21 after the effective date of this act where two commissioner positions
22 are to be filled; the winning candidate in each of these elections who
23 receives the largest number of votes shall be elected to a four-year
24 term of office, and the other winning candidate in each of the
25 elections shall be elected to a two-year term of office.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 53.12 RCW
27 to read as follows:

1 All elections relating to a port district shall conform with
2 general election law, except as expressly provided in Title 53 RCW.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.12 RCW
4 to read as follows:

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

14 At the next general election following the election in which an
15 increase in the number of port commissioners was authorized, candidates
16 for the two additional port commissioner positions shall be elected as
17 provided in RCW 53.12.130.

18 **Sec. 7.** RCW 53.12.120 and 1982 c 219 s 1 are each amended to read
19 as follows:

20 When the population of a port district reaches five hundred
21 thousand, in accordance with the latest United States regular or
22 special census or with the official state population estimate, there
23 shall be submitted to the voters of the district, at the next general
24 election or at a special port election called for that purpose, the
25 proposition of increasing the number of commissioners to five. At any
26 general election thereafter, the same proposition may be submitted by
27 resolution of the port commissioners, by filing a certified copy of the
28 resolution with the county auditor at least four months prior to the

1 general election. If the proposition is (~~adopted~~) approved by the
2 voters, the commission in that port district shall consist of five
3 commissioners (~~in positions numbered as specified in RCW 53.12.035,~~
4 ~~the additional commissioners to take office five days after the~~
5 ~~election~~)).

6 **Sec. 8.** RCW 53.12.130 and 1965 c 51 s 8 are each amended to read
7 as follows:

8 Two additional port commissioners shall be elected at the (~~same~~)
9 next general election (~~the names of the candidates for the additional~~
10 ~~port commissioner positions numbered four and five shall be printed on~~
11 ~~the ballot and voted on, but the election of such additional~~
12 ~~commissioners shall be contingent upon the adoption of the proposition~~
13 ~~for a commission of five members~~) following the election at which
14 voters authorized the increase in port commissioners to five members.
15 The two additional positions shall be numbered positions four and five.
16 A primary shall be held to nominate candidates where necessary. The
17 (~~candidate for each additional numbered position~~) person receiving
18 the highest number of votes for each position shall be elected(~~(7)~~) to
19 that position and shall take office (~~five days after the election~~)
20 immediately after qualification as defined under RCW 29.01.135. In a
21 port district where commissioners are elected to four-year terms of
22 office, the additional commissioner thus elected receiving the highest
23 number of votes shall (~~hold office for six years and the other shall~~
24 ~~hold office for four years from the date provided by law for port~~
25 ~~commissioners to next commence their terms of office~~) be elected to a
26 four-year term of office and the other additional commissioner thus
27 elected shall be elected to a term of office of two years, if the
28 election were held in an odd-numbered year, or the additional
29 commissioner thus elected receiving the highest number of votes shall

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

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

22 NEW SECTION. Sec. 9. A new section is added to chapter 53.16 RCW
23 to read as follows:

24 The port commission of a port district that is divided into
25 commissioner districts as provided in RCW 53.12.010 may redraw its
26 commissioner districts as provided in this chapter if the port district
27 is not coterminous with a county that has three county legislative
28 authority districts.

1 The boundaries of the commissioner districts shall be redrawn as
2 provided in chapter 29.70 RCW if the port district is not coterminous
3 with a county with three county legislative authority districts.

4 In addition, the commissioners of a port district that is not
5 coterminous with a county with three county legislative authority
6 districts may redraw commissioner district boundaries at any time and
7 submit the redrawn districts to the county auditor. The new
8 commissioner districts shall be used at the next election at which a
9 port commissioner is regularly elected that occurs at least one hundred
10 eighty days after the revised commissioner districts have been
11 submitted.

12 Each commissioner district shall constitute as nearly as possible
13 one-third of the population of the port district.

14 **Sec. 10.** RCW 53.16.030 and 1933 c 145 s 4 are each amended to read
15 as follows:

16 Any change of boundary lines provided for in this chapter shall not
17 affect the term for which a commissioner shall hold office at the time
18 the change is made(~~(, and the requirement of two years' residence~~
19 ~~within the commissioner district for eligibility for office of port~~
20 ~~commissioner shall not apply to incumbent commissioners seeking~~
21 ~~election at any port district election held within three years of the~~
22 ~~change of such district boundaries: PROVIDED, That at the time of~~
23 ~~nomination the incumbent commissioner resides in the commissioners~~
24 ~~district for which he seeks election)).~~

25 **Sec. 11.** RCW 53.12.260 and 1985 c 330 s 3 are each amended to read
26 as follows:

27 (1) Each commissioner of a port district shall receive fifty
28 dollars per day or portion thereof spent (a) in actual attendance at

1 official meetings of the port district commission, or (b) in
2 performance of other service in behalf of the district(~~(:—PROVIDED,~~
3 ~~That no commissioner shall receive compensation to exceed five thousand~~
4 ~~eight hundred dollars for any calendar year: PROVIDED FURTHER, That no~~
5 ~~commissioner of a port district shall receive compensation to exceed~~
6 ~~four thousand eight hundred dollars for any calendar year if the port~~
7 ~~district had gross operating income of less than twenty-five million~~
8 ~~dollars in the preceding calendar year)). The total per diem
9 compensation of a port commissioner shall not exceed four thousand
10 eight hundred dollars in a year, or six thousand dollars in any year
11 for a port district with gross operating income of twenty-five million
12 or more in the preceding calendar year.~~

13 (2) Port commissioners shall receive additional compensation as
14 follows: (a) Each commissioner of a port district with gross operating
15 revenues of twenty-five million dollars or more in the preceding
16 calendar year shall receive a salary of five hundred dollars per month;
17 and (b) each commissioner of a port district with gross operating
18 revenues of from one million dollars to less than twenty-five million
19 dollars in the preceding calendar year shall receive a salary of two
20 hundred dollars per month.

21 (3) For any commissioner who has not elected to become a member of
22 public employees retirement system before May 1, 1975, the compensation
23 provided pursuant to this section shall not be considered salary for
24 purposes of the provisions of any retirement system created pursuant to
25 the general laws of this state nor shall attendance at such meetings or
26 other service on behalf of the district constitute service as defined
27 in RCW 41.40.010(9): PROVIDED, That in the case of a port district
28 when commissioners are receiving compensation and contributing to the
29 public employees retirement system, these benefits shall continue in

1 full force and effect notwithstanding the provisions of RCW 53.12.260
2 and 53.12.265.

3 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51
6 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;

7 (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51
8 s 3, & 1959 c 175 s 9;

9 (3) RCW 53.12.050 and 1959 c 17 s 5;

10 (4) RCW 53.12.057 and 1965 c 51 s 6;

11 (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
12 s 1, & 1913 c 62 s 3;

13 (6) RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;

14 (7) RCW 53.12.180 and 1935 c 133 s 8;

15 (8) RCW 53.12.190 and 1935 c 133 s 10;

16 (9) RCW 53.12.200 and 1935 c 133 s 9;

17 (10) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925
18 ex.s. c 113 s 2; and

19 (11) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.