
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 53.12.130, and 53.12.120; adding new sections to chapter 53.12 RCW;
3 adding a new section to chapter 53.04 RCW; creating a new section; and
4 repealing RCW 53.12.020, 53.12.035, 53.12.040, 53.12.044, 53.12.050,
5 53.12.055, 53.12.060, 53.12.160, 53.12.172, 53.12.180, 53.12.190,
6 53.12.200, 53.12.210, and 53.12.220.

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

8 NEW SECTION. **Sec. 1.** The purposes of this act are to clarify
9 how port commissioners are elected and to reduce the terms of office of
10 port commissioners from six years to four years.

11 **Sec. 2.** RCW 53.12.010 and 1965 c 51 s 1 are each amended to read
12 as follows:

1 The powers of the port district shall be exercised through a port
2 commission consisting of three members who are elected to staggered
3 four-year terms. The commissioner positions shall be numbered
4 consecutively, and candidates shall run for specific positions.

5 Three commissioner districts shall exist in all port districts
6 other than in any port district that is coterminous with a county with
7 a population of five hundred thousand or more persons. The
8 commissioner districts shall be numbered consecutively, and each of the
9 three commissioner positions shall be associated with the commissioner
10 district with the same number. No person may be a candidate for such
11 a port commissioner position, nor hold office as a commissioner for
12 that position, unless he or she is a qualified voter of the
13 commissioner district associated with the commissioner position in a
14 port district with commissioner districts. Commissioner districts shall
15 be used for purposes of both residency and nomination, but the election
16 of each port commissioner shall be held on a port district-wide basis
17 with all the qualified voters of the port district being eligible to
18 vote to elect each commissioner. The initial port commissioners shall
19 be elected at the organization election as provided in section 3 of
20 this act. ((In port districts located in a class AA county the members
21 shall be residents of the county in which the port district is located.
22 In all other port districts, three commissioner districts, numbered
23 consecutively, having approximately equal population and boundaries
24 following ward and precinct lines, shall be described in the petition
25 for the formation of the port district, and one commissioner shall be
26 elected from each of said commissioner districts.))

27 No commissioner districts shall exist in any port district that is
28 coterminous with a county that has a population of five hundred
29 thousand or more. Port commissioners in such port districts shall be

1 nominated and elected on an at-large basis throughout the entire port
2 district.

3 In port districts having additional commissioners as authorized by
4 RCW 53.12.120 and 53.12.130, the powers of the port district shall be
5 exercised through a port commission consisting of five members
6 constituted as provided therein.

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

9 Except for the initial port commissioners and the staggering of
10 terms of the office provided under section 6 of this act, the term of
11 office of each port commissioner shall be four years and until a
12 successor is elected and qualified, at a district general election held
13 in an odd-numbered year, and assumes office in accordance with RCW
14 29.04.170.

15 The terms of office of the initial port commissioners shall be
16 staggered in any newly incorporated port district as follows: (1) Each
17 of the two winning candidates receiving the highest number of votes in
18 the port district at such organizational election shall hold office for
19 a term of four years until a successor is elected and qualified and
20 assumes office in accordance with RCW 29.04.170, if such election were
21 held in an odd-numbered year, or for a term of three years until a
22 successor is elected and qualified and assumes office in accordance
23 with RCW 29.04.170, if such election were held in an even-numbered
24 year; and (2) the other winning candidate shall hold office for a two-
25 year term until a successor is elected and qualified and assumes office
26 in accordance with RCW 29.04.170, if such election were held in an odd-
27 numbered year, or for a term of one year until a successor is elected
28 and qualified and assumes office in accordance with RCW 29.04.170, if
29 such election were held in an even-numbered year. The length of such

1 terms of office shall be computed from the first day of January in the
2 year following this election.

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

5 County legislative authority districts shall be used as the port
6 commissioner districts if the port district is coterminous with a
7 county with less than five hundred thousand population and the county
8 has three county legislative authority districts. All other port
9 commissioner districts shall be of approximately equal population and
10 be subject to chapter 29.70 RCW.

11 **Sec. 5.** RCW 53.12.130 and 1965 c 51 s 8 are each amended to read
12 as follows:

13 At the ~~((same))~~ next general election the names of the candidates
14 for the additional port commissioner positions numbered four and five
15 shall be printed on the ballot and voted on, but the election of such
16 additional commissioners shall be contingent upon the ~~((adoption))~~
17 approval by the voters of the proposition for a commission of five
18 members at the previous general election. The candidate for each
19 additional numbered position receiving the highest number of votes
20 shall be elected, and shall take office ~~((five days after the~~
21 ~~election))~~ immediately after qualification as defined under RCW
22 29.01.135. The additional commissioner thus elected receiving the
23 highest number of votes shall ~~((hold office for six years and the other~~
24 ~~shall 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

1 commissioner thus elected receiving the highest number of votes shall
2 be elected to a term of office of three years and the other shall be
3 elected to a term of office of one year, if the election were held in
4 an even-numbered year, with the length of terms of office being
5 computed from the first day of January in the year following this
6 election.

7 A successor to a commissioner holding position four or five whose
8 term is about to expire, shall be elected at the general election next
9 preceding such expiration, for a term of (~~six~~) four years. Positions
10 four and five shall not be associated with a commissioner district and
11 the elections to both nominate candidates for those positions and elect
12 commissioners for these positions shall be held on a port district-wide
13 basis.

14 NEW SECTION. Sec. 6. A new section is added to chapter 53.12 RCW
15 to read as follows:

16 Port commissioners who are holding office as of the effective date
17 of this act shall retain their position for the remainder of their
18 terms until their successors are elected and qualified, and assume
19 office in accordance with RCW 29.04.170. Their successors shall be
20 elected to four-year terms of office.

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

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 53.12 RCW
2 to read as follows:

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

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 53.04 RCW
6 to read as follows:

7 The resolution of the county legislative authority, or the petition
8 of voters, initiating the process to incorporate a port district shall
9 describe three port commissioner districts, having approximately equal
10 populations, within the proposed port district unless the proposed port
11 district is coterminous with the boundaries of a county with a
12 population of five hundred thousand or more. Where the proposed port
13 district is coterminous with a county with less than five hundred
14 thousand population, and the county has three county legislative
15 authority districts, the resolution or petition shall indicate that the
16 county legislative authority districts shall be used for port
17 commissioner districts and shall not describe the commissioner
18 districts further.

19 The initial port commissioners shall be elected at the same
20 election as when the ballot proposition authorizing the incorporation
21 of the proposed port district is submitted to the voters of the
22 proposed port district. However, the election of port commissioners
23 shall be null and void if the port district is not authorized to be
24 incorporated.

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

27 A ballot proposition shall be submitted to the voters of any port
28 district authorizing an increase in the number of port commissioners to

1 five whenever a petition requesting such an increase has been submitted
2 to the county auditor of the county in which the port district is
3 located that has been signed by voters of the port district at least
4 equal in number to ten percent of the number of voters in the port
5 district who voted at the last general election. The ballot
6 proposition shall be submitted at the next general election occurring
7 sixty or more days after the petition was submitted.

8 At the next general election following the election in which an
9 increase in the number of port commissioners was authorized, candidates
10 for the two additional port commissioner positions shall be voted on as
11 provided in RCW 53.12.130.

12 **Sec. 10.** RCW 53.12.120 and 1982 c 219 s 1 are each amended to read
13 as follows:

14 When the population of a port district reaches five hundred
15 thousand, in accordance with the latest United States regular or
16 special census or with the official state population estimate, there
17 shall be submitted to the voters of the district, at the next general
18 election or at a special port election called for that purpose, the
19 proposition of increasing the number of commissioners to five. At any
20 general election thereafter, the same proposition may be submitted by
21 resolution of the port commissioners, by filing a certified copy of the
22 resolution with the county auditor at least four months prior to the
23 general election. If the proposition is ~~((adopted))~~ approved by the
24 voters, the commission in that port district shall consist of five
25 commissioners ~~((in positions numbered as specified in RCW 53.12.035,~~
26 ~~the additional commissioners to take office five days after the~~
27 ~~election))~~.

1 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 53.12.020 and 1986 c 262 s 2, 1965 c 51 s 2, 1959 c 175 s
4 1, & 1959 c 17 s 4;

5 (2) RCW 53.12.035 and 1990 c 59 s 108, 1965 c 51 s 3, & 1959 c 175
6 s 9;

7 (3) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s
8 7;

9 (4) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69
10 s 3;

11 (5) RCW 53.12.050 and 1959 c 17 s 5;

12 (6) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;

13 (7) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
14 s 1, & 1913 c 62 s 3;

15 (8) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s
16 1, & 1935 c 133 s 1;

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

18 (10) RCW 53.12.180 and 1935 c 133 s 8;

19 (11) RCW 53.12.190 and 1935 c 133 s 10;

20 (12) RCW 53.12.200 and 1935 c 133 s 9;

21 (13) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s.
22 c 113 s 1; and

23 (14) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925
24 ex.s. c 113 s 2.