

2 **ESHB 1150** - S COMM AMD

3 By Committee on Governmental Operations

4 ADOPTED AS AMENDED 3/3/92

5 Strike everything after the enacting clause and insert the
6 following:

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

9 The powers of the port district shall be exercised through a port
10 commission consisting of three members. ~~((In any port district with
11 boundaries that are coterminous with the boundaries of a county with a
12 population of five hundred thousand or more the members shall be
13 residents of the county in which the port district is located. In all
14 other port districts, three commissioner districts, numbered
15 consecutively, having approximately equal population and boundaries
16 following ward and precinct lines, shall be described in the petition
17 for the formation of the port district, and one commissioner shall be
18 elected from each of said commissioner districts.))~~ Every port district
19 that is not coextensive with a county having a population of five
20 hundred thousand or more shall be divided into three commissioner
21 districts each having approximately equal population. Where a port
22 district is coextensive with the boundaries of a county that has a
23 population of less than five hundred thousand and the county has three
24 county legislative authority districts, the port district commissioner
25 districts shall be the county legislative authority districts. In
26 other instances where a port district is divided into commissioner
27 districts, the petition proposing the formation of such a port district
28 shall describe three commissioner districts each having approximately

1 the same population and the commissioner districts shall be altered as
2 provided in chapter 53.16 RCW.

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

11 In port districts having additional commissioners as authorized by
12 RCW 53.12.120 ~~((and))~~, 53.12.130, and section 6 of this act, the powers
13 of the port district shall be exercised through a port commission
14 consisting of five members constituted as provided therein."

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

17 In every ~~((such))~~ port district the term of office of each port
18 commissioner shall be four years in each port district that is county-
19 wide with a population of one hundred thousand or more, or either six
20 or four years in all other port districts as provided in section 3 of
21 this act, and until ~~((his or her))~~ a successor is elected and
22 qualified~~((, and one commissioner shall be elected at the time of the~~
23 general election in each odd-numbered year for the term of six years
24 beginning in accordance with RCW 29.04.170: PROVIDED, That the terms
25 of office of the port commissioners shall be staggered in any district
26 hereafter organized as follows: ~~((1) The candidate residing in the~~
27 first commissioner district receiving the highest number of votes in
28 the port district at the election organizing the district shall hold
29 office until a successor assumes office who is elected from the

1 ~~election held in the sixth year after the organizational election, if~~
2 ~~such organizational election was held in an odd-numbered year, or from~~
3 ~~the election held in the fifth year after the organizational election~~
4 ~~if such organizational election was held in an even-numbered year; (2)~~
5 ~~the candidate residing in the second commissioner district receiving~~
6 ~~the highest number of votes in the port district at such organizational~~
7 ~~election shall hold office until a successor assumes office who is~~
8 ~~elected from the election held in the fourth year after the~~
9 ~~organizational election, if such organizational election was held in an~~
10 ~~odd-numbered year, or from the election held in the third year after~~
11 ~~the organizational election if such organizational election was held in~~
12 ~~an even-numbered year; and (3) the candidate residing in the third~~
13 ~~commissioner district receiving the highest number of votes in the port~~
14 ~~district at such organizational election shall hold office until a~~
15 ~~successor assumes office who is elected from the election held in the~~
16 ~~second year after the organizational election, if such organizational~~
17 ~~election was held in an odd-numbered year, or from the election held in~~
18 ~~the first year after the organizational election if such organizational~~
19 ~~election was held in an even-numbered year)) and assumes office in~~
20 accordance with RCW 29.04.170. The initial port commissioners shall be
21 elected at the same election as when the ballot proposition is
22 submitted to voters authorizing the creation of the port district. If
23 the port district is created the persons elected at this election shall
24 serve as the initial port commission. No primary shall be held. The
25 person receiving the greatest number of votes for commissioner from
26 each commissioner district shall be elected as the commissioner of that
27 district.

28 The terms of office of the initial port commissioners shall be
29 staggered as follows in a port district that is county-wide with a
30 population of one hundred thousand or more: (1) The two persons who

1 are elected receiving the two greatest numbers of votes shall be
2 elected to four-year terms of office if the election is held in an odd-
3 numbered year, or three-year terms of office if the election is held in
4 an even-numbered year, and shall hold office until successors are
5 elected and qualified and assume office in accordance with RCW
6 29.04.170; and (2) the other person who is elected shall be elected to
7 a two-year term of office if the election is held in an odd-numbered
8 year, or a one-year term of office if the election is held in an even-
9 numbered year, and shall hold office until a successor is elected and
10 qualified and assumes office in accordance with RCW 29.04.170. The
11 terms of office of the initial port commissioners in all other port
12 districts shall be staggered as follows: (a) The person who is elected
13 receiving the greatest number of votes shall be elected to a six-year
14 term of office if the election is held in an odd-numbered year or to a
15 five-year term of office if the election is held in an even-numbered
16 year, and shall hold office until a successor is elected and qualified
17 and assumes office in accordance with RCW 29.04.170; (b) the person who
18 is elected receiving the next greatest number of votes shall be elected
19 to a four-year term of office if the election is held in an odd-
20 numbered year or to a three-year term of office if the election is held
21 in an even-numbered year, and shall hold office until a successor is
22 elected and qualified and assumes office in accordance with RCW
23 29.04.170; and (c) the other person who is elected shall be elected to
24 a two-year term of office if the election is held in an odd-numbered
25 year or a one-year term of office if the election is held in an even-
26 numbered year, and shall hold office until a successor is elected and
27 qualified and assumes office in accordance with RCW 29.04.170.

28 The initial port commissioners shall take office immediately after
29 being elected and qualified, but the length of their terms shall be

1 calculated from the first day in January in the year following their
2 elections."

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

5 A ballot proposition to reduce the terms of office of port
6 commissioners from six years to four years shall be submitted to the
7 voters of any port district that otherwise would have commissioners
8 with six-year terms of office upon either resolution of the port
9 commissioners or petition of voters of the port district proposing the
10 reduction in terms of office, which petition has been signed by voters
11 of the port district equal in number to at least ten percent of the
12 number of voters in the port district voting at the last district
13 general election. The petition shall be submitted to the county
14 auditor. If the petition was signed by sufficient valid signatures,
15 the ballot proposition shall be submitted at the next district general
16 election that occurs sixty or more days after the adoption of the
17 resolution or submission of the petition.

18 If the ballot proposition reducing the terms of office of port
19 commissioners is approved by a simple majority vote of the voters
20 voting on the proposition, the commissioner or commissioners who are
21 elected at that election shall be elected to four-year terms of office.
22 The terms of office of the other commissioners shall not be reduced,
23 but each successor shall be elected to a four-year term of office."

24 "NEW SECTION. Sec. 4. A new section is added to chapter 53.12 RCW
25 to read as follows:

26 Port commissioners of county-wide port districts with populations
27 of one hundred thousand or more who are holding office as of the
28 effective date of this act shall retain their positions for the

1 remainder of their terms until their successors are elected and
2 qualified, and assume office in accordance with RCW 29.04.170. Their
3 successors shall be elected to four-year terms of office except as
4 otherwise provided in RCW 53.12.130."

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

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

9 "NEW SECTION. **Sec. 6.** A new section is added to chapter 53.12 RCW
10 to read as follows:

11 A candidate for the office of port commissioner may withdraw his or
12 her declaration of candidacy at any time before the close of business
13 on the Thursday following the last day for candidates to file by
14 filing, with the officer with whom the declaration of candidacy was
15 filed, a signed request that his or her name not be printed on the
16 ballot. There shall be no withdrawal period for declarations of
17 candidacy filed during special filing periods. The filing officer may
18 permit the withdrawal of a filing for the office of port commissioner
19 at the request of the candidate at any time before a primary if the
20 primary ballots for that election have not been ordered. No filing fee
21 may be refunded to any candidate who withdraws under this section.
22 Notice of the deadline for withdrawal of candidacy and that the filing
23 fee is not refundable shall be given to each candidate at the time he
24 or she files."

25 "NEW SECTION. **Sec. 7.** A new section is added to chapter 53.12 RCW
26 to read as follows:

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

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

14 **"Sec. 8.** RCW 53.12.120 and 1982 c 219 s 1 are each amended to read
15 as follows:

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

1 **"Sec. 9.** RCW 53.12.130 and 1965 c 51 s 8 are each amended to read
2 as follows:

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

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

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

16 "NEW SECTION. Sec. 10. A new section is added to chapter 53.16
17 RCW to read as follows:

18 In a port district that is not coterminous with a county that has
19 three county legislative authority districts and that has port
20 commissioner districts, the port commission may redraw the commissioner
21 district boundaries as provided in chapter 29.70 RCW at any time and
22 submit the redrawn boundaries to the county auditor. The new
23 commissioner districts shall be used at the next election at which a
24 port commissioner is regularly elected that occurs at least one hundred
25 eighty days after the redrawn boundaries have been submitted. Each
26 commissioner district shall encompass as nearly as possible one-third
27 of the population of the port district."

1 **"Sec. 11.** RCW 53.16.030 and 1933 c 145 s 4 are each amended to
2 read as follows:

3 Any change of boundary lines provided for in this chapter shall not
4 affect the term for which a commissioner shall hold office at the time
5 the change is made(~~(, and the requirement of two years' residence~~
6 ~~within the commissioner district for eligibility for office of port~~
7 ~~commissioner shall not apply to incumbent commissioners seeking~~
8 ~~election at any port district election held within three years of the~~
9 ~~change of such district boundaries: PROVIDED, That at the time of~~
10 ~~nomination the incumbent commissioner resides in the commissioners~~
11 ~~district for which he seeks election))."~~

12 **"Sec. 12.** RCW 53.12.260 and 1985 c 330 s 3 are each amended to
13 read as follows:

14 (1) Each commissioner of a port district shall receive fifty
15 dollars per day or portion thereof spent (a) in actual attendance at
16 official meetings of the port district commission, or (b) in
17 performance of other service in behalf of the district((: PROVIDED,
18 That no commissioner shall receive compensation to exceed five thousand
19 eight hundred dollars for any calendar year: PROVIDED FURTHER, That no
20 commissioner of a port district shall receive compensation to exceed
21 four thousand eight hundred dollars for any calendar year if the port
22 district had gross operating income of less than twenty-five million
23 dollars in the preceding calendar year)). The total per diem
24 compensation of a port commissioner shall not exceed four thousand
25 eight hundred dollars in a year, or six thousand dollars in any year
26 for a port district with gross operating income of twenty-five million
27 or more in the preceding calendar year.

28 (2) Port commissioners shall receive additional compensation as
29 follows: (a) Each commissioner of a port district with gross operating

1 revenues of twenty-five million dollars or more in the preceding
2 calendar year shall receive a salary of five hundred dollars per month;
3 and (b) each commissioner of a port district with gross operating
4 revenues of from one million dollars to less than twenty-five million
5 dollars in the preceding calendar year shall receive a salary of two
6 hundred dollars per month.

7 (3) In lieu of the compensation specified in this section, a port
8 commission may set compensation to be paid to commissioners.

9 (4) For any commissioner who has not elected to become a member of
10 public employees retirement system before May 1, 1975, the compensation
11 provided pursuant to this section shall not be considered salary for
12 purposes of the provisions of any retirement system created pursuant to
13 the general laws of this state nor shall attendance at such meetings or
14 other service on behalf of the district constitute service as defined
15 in RCW 41.40.010(9): PROVIDED, That in the case of a port district
16 when commissioners are receiving compensation and contributing to the
17 public employees retirement system, these benefits shall continue in
18 full force and effect notwithstanding the provisions of RCW 53.12.260
19 and 53.12.265."

20 **"Sec. 13.** RCW 41.04.190 and 1983 1st ex.s. c 37 s 1 are each
21 amended to read as follows:

22 The cost of ~~((any such group))~~ a policy or plan to ~~((any such))~~ a
23 public agency or body ~~((shall))~~ is not ~~((be deemed))~~ additional
24 compensation to the employees or elected ~~((county))~~ officials covered
25 thereby~~((, and))~~. The elected officials to whom this section applies
26 include but are not limited to commissioners elected under chapters
27 28A.315, 52.14, 53.12, 54.12, 56.12, 57.12, 70.44, and 87.03 RCW, as
28 well as any county elected officials who are provided insurance
29 coverage under RCW 41.04.180. Any officer authorized to disburse such

1 funds may pay in whole or in part to (~~any such~~) an insurance carrier
2 or health care service contractor the amount of the premiums due
3 (~~pursuant to any such~~) under the contract.

4 "NEW SECTION. Sec. 14. The following acts or parts of acts are
5 each repealed:

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

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

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

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

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

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

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

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

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

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

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

1 **ESHB 1150** - S COMM AMD
2 By Committee on Governmental Operations

3 ADOPTED AS AMENDED 3/3/92

4 On page 1, line 1 of the title, after "districts;" strike the
5 remainder of the title and insert "amending RCW 53.12.010, 53.12.172,
6 53.12.120, 53.12.130, 53.16.030, 53.12.260, and 41.04.190; adding new
7 sections to chapter 53.12 RCW; adding a new section to chapter 53.16
8 RCW; and repealing RCW 53.12.020, 53.12.035, 53.12.050, 53.12.057,
9 53.12.060, 53.12.172, 53.12.180, 53.12.190, 53.12.200, 53.12.220, and
10 53.16.010."