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ENGROSSED HOUSE BILL 1794

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State of Washington                      52nd Legislature                      1991 Regular Session  
By Representatives Bray, Mitchell, Haugen and Ferguson.

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1            AN ACT Relating to public hospital districts; amending RCW  
2 70.44.040, 70.44.045, 70.44.051, and 70.44.053; adding a new section to  
3 chapter 70.44 RCW; and repealing RCW 70.44.055 and 70.44.057.

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

5            **Sec. 1.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to read  
6 as follows:

7            The provisions of Title 29 RCW relating to elections shall govern  
8 public hospital districts, except ~~((that:—(1)))~~ as provided in this  
9 chapter.

10            A public hospital district shall be created when the ballot  
11 proposition authorizing the creation of the public hospital district is  
12 approved by a simple majority vote of the voters of the proposed  
13 district who vote on the proposition and the total vote cast upon the  
14 proposition ~~((to form a hospital district shall))~~ exceeds forty percent  
15 of the total number of votes cast in the ~~((precincts comprising the))~~

1 proposed district at the preceding general ((and)) county election((;  
2 and (2) hospital district commissioners shall hold office for the term  
3 of six years and until their successors are elected and qualified, each  
4 term to commence on the first day in January following the election)).

5 At the election at which the proposition is submitted to the voters  
6 as to whether a district shall be formed, three commissioners shall be  
7 elected ((to hold office, respectively, for the terms of two, four, and  
8 six years. All candidates shall be voted upon by the entire district,  
9 and the candidate residing in commissioner district No. 1 receiving the  
10 highest number of votes in the hospital district shall hold office for  
11 the term of six years; the candidate residing in commissioner district  
12 No. 2 receiving the highest number of votes in the hospital district  
13 shall hold office for the term of four years; and the candidate  
14 residing in commissioner district No. 3 receiving the highest number of  
15 votes in the hospital district shall hold office for the term of two  
16 years. The first commissioners to be elected shall take office  
17 immediately when qualified in accordance with RCW 29.01.135. Each term  
18 of the initial commissioners shall date from the time above specified  
19 following the organizational election, but shall also include the  
20 period intervening between the organizational election and the first  
21 day of January following the next district general election: PROVIDED,  
22 That in public hospital districts encompassing portions of more than  
23 one county, the total vote cast upon the proposition to form the  
24 district shall exceed forty percent of the total number of votes cast  
25 in each portion of each county lying within the proposed district at  
26 the next preceding general county election. The portion of the  
27 proposed district located within each county shall constitute a  
28 separate commissioner district. There shall be three district  
29 commissioners whose terms shall be six years. Each district shall be  
30 designated by the name of the county in which it is located. All

1 candidates for commissioners shall be voted upon by the entire  
2 district. Not more than one commissioner shall reside in any one  
3 district: PROVIDED FURTHER, That in the event there are only two  
4 districts then two commissioners may reside in one district. The term  
5 of each commissioner shall commence on the first day in January in each  
6 year following his election. At the election at which the proposition  
7 is submitted to the voters as to whether a district shall be formed,  
8 three commissioners shall be elected to hold office, respectively, for  
9 the terms of two, four, and six years. The candidate receiving the  
10 highest number of votes within the district, as constituted by the  
11 election, shall serve a term of six years; the candidate receiving the  
12 next highest number of votes shall hold office for a term of four  
13 years; and the candidate receiving the next highest number of votes  
14 shall hold office for a term of two years: PROVIDED FURTHER, That the  
15 holding of each such term of office shall be subject to the residential  
16 requirements for district commissioners hereinbefore set forth in this  
17 section)). The election of the initial commissioners shall be null and  
18 void if the district is not authorized to be created.

19 The terms of office of the initial public hospital district  
20 commissioners shall be staggered as follows: (1) The winning  
21 candidates for commissioner positions number one and two each shall be  
22 elected to four-year terms of office, if the election was held in an  
23 odd-numbered year, or to three-year terms of office, if the election  
24 was held in an even-numbered year; and (2) the winning candidate for  
25 commission position number three shall be elected to a two-year term of  
26 office, if the election was held in an odd-numbered year, or a one-year  
27 term of office, if the election was held in an even-numbered year. The  
28 length of such terms of office shall be computed from the first day of  
29 January in the year following this election. The term of office of  
30 each successor shall be four years.

1 Commissioner districts shall be used for residency purposes only in  
2 all public hospital district elections relating to commissioners,  
3 unless the district has abandoned the use of commissioner districts.  
4 Voters of the entire hospital district may vote at any election to  
5 nominate or elect any commissioner. If the proposed public hospital  
6 district is county-wide, and the county has three county legislative  
7 authority districts, the county legislative authority districts shall  
8 be used as hospital commissioner districts. In all other instances,  
9 the county auditor of the county in which all or the largest portion of  
10 the proposed public hospital district is located shall draw the initial  
11 three commissioner districts each of which comprises as nearly as  
12 possible one-third of the total population of the proposed public  
13 hospital district and number the districts one, two, and three. Each  
14 of the three commissioner positions shall be numbered one through three  
15 and associated with the district of the same number.

16 The public hospital district commissioners may redraw commissioner  
17 districts so that each district comprises as nearly as possible one-  
18 third of the total population of the proposed public hospital district.

19 NEW SECTION. Sec. 2. A new section is added to chapter 70.44 RCW  
20 to read as follows:

21 The terms of office of each public hospital district commissioner  
22 shall be reduced to four years, except for those commissioners whose  
23 terms of office would have expired on January 1, 1992. Commencing at  
24 the 1991 general election, each person elected as a public hospital  
25 district commissioner shall be elected to a four-year term of office,  
26 except for the staggering of terms and filling of vacancies.

27 **Sec. 3.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read  
28 as follows:

1 A vacancy in the office of commissioner shall occur by death,  
2 resignation, removal, conviction of felony, nonattendance at meetings  
3 of the commission for sixty days, unless excused by the commission, by  
4 any statutory disqualification, by any permanent disability preventing  
5 the proper discharge of ~~((his))~~ the commissioner's duty(~~(, or by~~  
6 ~~creation of positions pursuant to RCW 70.44.051, et seq))~~). A vacancy  
7 or vacancies on the board shall be filled by appointment by the  
8 remaining commissioner or commissioners until the next regular election  
9 for commissioners as provided by RCW 70.44.040: PROVIDED, That if  
10 there is only one remaining commissioner, one vacancy shall be filled  
11 by appointment by the remaining commissioner and the remaining vacancy  
12 or vacancies shall be filled by appointment by the then two  
13 commissioners and the appointed commissioners shall serve until the  
14 next regular election for commissioners: PROVIDED FURTHER, That if  
15 there is a vacancy of the entire board, a new board may be appointed by  
16 the board of county commissioners or county council.

17 **Sec. 4.** RCW 70.44.051 and 1967 c 77 s 1 are each amended to read  
18 as follows:

19 ~~((In addition to the procedures enumerated in RCW 70.44.020,~~  
20 ~~70.44.030 and 70.44.035,))~~ The board of public hospital district  
21 commissioners in an existing intracounty or intercounty district may be  
22 increased from three members to five or to seven members; and the board  
23 of public hospital district commissioners in any district created after  
24 June 8, 1967 may ((have)) be increased from three((7)) members to five  
25 or seven ((commissioners)) members.

26 **Sec. 5.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read  
27 as follows:

1       At any general or special election which may be called for that  
2 purpose the board of public hospital district commissioners may, or on  
3 petition of ten percent of the electors based on the total vote cast in  
4 the last district general election in the public hospital district  
5 shall, by resolution, submit to the voters of the district the  
6 proposition increasing the number of commissioners to any number  
7 authorized in RCW 70.44.051. The petition or resolution shall specify  
8 whether it is proposed to increase the number of commissioners to  
9 either five or seven members.

10       If the voters of the district approve the ballot proposition  
11 authorizing the increase in the number of commissioners to either five  
12 or seven members, an election to nominate candidates for the additional  
13 positions shall be held at the next September special election,  
14 occurring in either an even or odd-numbered year, and an election to  
15 elect each additional commissioner shall be held at the following  
16 November election. Candidates shall run for specific commissioner  
17 positions.

18       Where the number of commissioners is increased to five, the two new  
19 commissioner positions shall not be associated with a commissioner  
20 district. The initial new terms shall be staggered so that the winning  
21 candidate receiving the greatest number of votes shall be elected to a  
22 four-year term of office, if the election was held in an odd-numbered  
23 year, or three-year term of office if the election was held in an odd-  
24 numbered year, and the other winning candidate shall be elected to a  
25 two-year term of office, if the election was held in an odd-numbered  
26 year, or a one-year term of office, if the election was held in an  
27 even-numbered year. The two new elected commissioners shall assume  
28 office as provided in RCW 29.04.170. Successors shall be elected to  
29 four-year terms of office.

1        Where the number of commissioners is increased to seven, one of the  
2 new commissioner positions shall be associated with each of the three  
3 commissioner districts, and the initial terms of each of the three new  
4 commissioner positions shall be staggered, so that at each subsequent  
5 district general election one position associated with each of the  
6 three commissioner districts is elected to a four-year term of office.  
7 The fourth new commissioner position shall not be associated with a  
8 commissioner district and the winning candidate shall be elected to a  
9 four-year term of office, if the election was held in an odd-numbered  
10 year, or a three-year term of office, if the election was held in an  
11 even-numbered year. Successors shall be elected to four-year terms of  
12 office.

13        NEW SECTION. Sec. 6.        The following acts or parts of acts are  
14 each repealed:

15        (1) RCW 70.44.055 and 1967 c 77 s 3; and

16        (2) RCW 70.44.057 and 1967 c 77 s 4.