
SENATE BILL 5448

State of Washington 52nd Legislature 1991 Regular Session

By Senators Owen, Williams, Jesernig and Thorsness.

Read first time January 31, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to public utility district elections; amending RCW
2 54.12.010 and 54.12.010; and providing an effective date.

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

4 **Sec. 1.** RCW 54.12.010 and 1987 c 292 s 1 are each amended to read
5 as follows:

6 Within ten days after such election, the county canvassing board
7 shall canvass the returns, and if at such election a majority of the
8 voters voting upon such proposition shall vote in favor of the
9 formation of such district, the canvassing board shall so declare in
10 its canvass of the returns of such election, and such public utility
11 district shall then be and become a municipal corporation of the state
12 of Washington, and the name of such public utility district shall be
13 Public Utility District No. of County. The powers of
14 the public utility district shall be exercised through a commission
15 consisting of three members in three commissioner districts, and five

1 members in five commissioner districts. When the public utility
2 district is coextensive with the limits of such county, then, at the
3 first election of commissioners and until any change shall have been
4 made in the boundaries of public utility district commissioner
5 districts, one public utility district commissioner shall be chosen
6 from each of the three county commissioner districts of the county in
7 which the public utility district is located if the county is not
8 operating under a "Home Rule" charter. When the public utility
9 district comprises only a portion of the county, with boundaries
10 established in accordance with chapter 54.08 RCW, or when the public
11 utility district is located in a county operating under a "Home Rule"
12 charter, three public utility district commissioner districts, numbered
13 consecutively, having approximately equal population and boundaries,
14 following ward and precinct lines, as far as practicable, shall be
15 described in the petition for the formation of the public utility
16 district, which shall be subject to appropriate change by the county
17 legislative authority if and when they change the boundaries of the
18 proposed public utility district, and one commissioner shall be elected
19 from each of said public utility district commissioner districts. In
20 all five commissioner districts an additional commissioner at large
21 shall be chosen from each of the two at large districts. No person
22 shall be eligible to be elected to the office of public utility
23 district commissioner for a particular district commissioner district
24 unless he or she is a registered voter of the public utility district
25 commissioner district or at large district from which he or she is
26 elected.

27 Except as otherwise provided, the term of office of each public
28 utility district commissioner other than the commissioners at large
29 shall be six years, and the term of each commissioner at large shall be
30 four years. Each term shall be computed in accordance with RCW

1 29.04.170 following the commissioner's election. One commissioner at
2 large and one commissioner from a commissioner district shall be
3 elected at each general election held in an even-numbered year for the
4 term of four years and six years respectively. All candidates shall be
5 voted upon by the entire public utility district.

6 When a public utility district is formed, three public utility
7 district commissioners shall be elected at the same election at which
8 the proposition is submitted to the voters as to whether such public
9 utility district shall be formed. If the general election adopting the
10 proposition to create the public utility district was held in an even-
11 numbered year, the commissioner residing in commissioner district
12 number one shall hold office for the term of six years; the
13 commissioner residing in commissioner district number two shall hold
14 office for the term of four years; and the commissioner residing in
15 commissioner district number three shall hold office for the term of
16 two years. If the general election adopting the proposition to create
17 the public utility district was held in an odd-numbered year, the
18 commissioner residing in commissioner district number one shall hold
19 office for the term of five years, the commissioner in district two
20 shall hold office for the term of three years, and the commissioner in
21 district three shall hold office for the term of one year. The
22 commissioners first to be elected as above provided shall hold office
23 from the first day of the month following the commissioners' election
24 and their respective terms of office shall be computed from the first
25 day of January next following the election.

26 All public utility district commissioners shall hold office until
27 their successors shall have been elected and have qualified and assume
28 office in accordance with RCW 29.04.170. (~~(A filing for)~~) Nominations
29 for public utility district commissioners to be elected at the election
30 for the formation of the public utility district shall be

1 (~~accompanied~~) by ((a)) petition (~~signed by~~) of at least one hundred
2 registered voters of the public utility district, which shall be
3 certified by the county auditor to contain the required number of
4 registered voters(~~, and shall otherwise be filed in accord with the~~
5 ~~requirements of RCW 29.21.060. At the time of filing such nominating~~
6 ~~petition, the person so nominated shall execute and file a declaration~~
7 ~~of candidacy subject to the provisions of RCW 29.21.060, as now or~~
8 ~~hereafter amended~~). The petition and each page of the petition shall
9 state whether the nomination is for a commissioner from a particular
10 commissioner district or for a commissioner at large and shall state
11 the districts; otherwise it shall be void. The person so nominated
12 shall execute and file a declaration of candidacy pursuant to Title 29
13 RCW, and the filing shall otherwise conform to Title 29 RCW.
14 Thereafter, candidates for the office of public utility district
15 commissioner shall file declarations of candidacy and their election
16 shall be conducted as provided by the general election laws in Title 29
17 RCW.

18 A vacancy in the office of public utility district commissioner
19 shall occur by death, resignation, removal, conviction of a felony,
20 nonattendance at meetings of the public utility district commission for
21 a period of sixty days unless excused by the public utility district
22 commission, by any statutory disqualification, or by any permanent
23 disability preventing the proper discharge of his or her duty. In the
24 event of a vacancy in said office, such vacancy shall be filled at the
25 next general election held in an even-numbered year, the vacancy in the
26 interim to be filled by appointment by the remaining commissioners. If
27 more than one vacancy exists at the same time in a three commissioner
28 district, or more than two in a five commissioner district, a special
29 election shall be called by the county canvassing board upon the
30 request of the remainder, or, that failing, by the county election

1 board, such election to be held not more than forty days after the
2 occurring of such vacancies.

3 A majority of the persons holding the office of public utility
4 district commissioner at any time shall constitute a quorum of the
5 commission for the transaction of business, and the concurrence of a
6 majority of the persons holding such office at the time shall be
7 necessary and shall be sufficient for the passage of any resolution,
8 but no business shall be transacted, except in usual and ordinary
9 course, unless there are in office at least a majority of the full
10 number of commissioners fixed by law.

11 The boundaries of the public utility district commissioners'
12 district may be changed only by the public utility district commission,
13 and shall be examined every ten years to determine substantial equality
14 of population, but said boundaries shall not be changed oftener than
15 once in four years, and only when all members of the commission are
16 present. Whenever territory is added to a public utility district
17 under RCW 54.04.035, the boundaries of the public utility
18 commissioners' districts shall be changed to include such additional
19 territory. The proposed change of the boundaries of the public utility
20 district commissioners' district must be made by resolution and after
21 public hearing. Notice of the time of a public hearing thereon shall
22 be published for two weeks prior thereto. Upon a referendum petition
23 signed by ten percent of the qualified voters of the public utility
24 district being filed with the county auditor, the county legislative
25 authority shall submit such proposed change of boundaries to the voters
26 of the public utility district for their approval or rejection. Such
27 petition must be filed within ninety days after the adoption of
28 resolution of the proposed action. The validity of said petition shall
29 be governed by the provisions of chapter 54.08 RCW.

1 **Sec. 2.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to read
2 as follows:

3 Within ten days after such election, the county canvassing board
4 shall canvass the returns, and if at such election a majority of the
5 voters voting upon such proposition shall vote in favor of the
6 formation of such district, the canvassing board shall so declare in
7 its canvass of the returns of such election, and such public utility
8 district shall then be and become a municipal corporation of the state
9 of Washington, and the name of such public utility district shall be
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11 the public utility district shall be exercised through a commission
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15 first election of commissioners and until any change shall have been
16 made in the boundaries of public utility district commissioner
17 districts, one public utility district commissioner shall be chosen
18 from each of the three county commissioner districts of the county in
19 which the public utility district is located if the county is not
20 operating under a "Home Rule" charter. When the public utility
21 district comprises only a portion of the county, with boundaries
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23 utility district is located in a county operating under a "Home Rule"
24 charter, three public utility district commissioner districts, numbered
25 consecutively, having approximately equal population and boundaries,
26 following ward and precinct lines, as far as practicable, shall be
27 described in the petition for the formation of the public utility
28 district, which shall be subject to appropriate change by the county
29 legislative authority if and when they change the boundaries of the
30 proposed public utility district, and one commissioner shall be elected

1 from each of said public utility district commissioner districts. In
2 all five commissioner districts an additional commissioner at large
3 shall be chosen from each of the two at large districts. No person
4 shall be eligible to be elected to the office of public utility
5 district commissioner for a particular district commissioner district
6 unless he or she is a registered voter of the public utility district
7 commissioner district or at large district from which he or she is
8 elected.

9 Except as otherwise provided, the term of office of each public
10 utility district commissioner other than the commissioners at large
11 shall be six years, and the term of each commissioner at large shall be
12 four years. Each term shall be computed in accordance with RCW
13 29.04.170 following the commissioner's election. One commissioner at
14 large and one commissioner from a commissioner district shall be
15 elected at each general election held in an even-numbered year for the
16 term of four years and six years respectively. All candidates shall be
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5 from the first day of the month following the commissioners' election
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13 ~~((accompanied))~~ by ~~((a))~~ petition ~~((signed by))~~ of at least one hundred
14 registered voters of the public utility district, which shall be
15 certified by the county auditor to contain the required number of
16 registered voters ~~((, and shall otherwise be filed in accord with the~~
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18 ~~petition, the person so nominated shall execute and file a declaration~~
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4 a period of sixty days unless excused by the public utility district
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6 disability preventing the proper discharge of his or her duty. In the
7 event of a vacancy in said office, such vacancy shall be filled at the
8 next general election held in an even-numbered year, the vacancy in the
9 interim to be filled by appointment by the remaining commissioners. If
10 more than one vacancy exists at the same time in a three commissioner
11 district, or more than two in a five commissioner district, a special
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7 district being filed with the county auditor, the county legislative
8 authority shall submit such proposed change of boundaries to the voters
9 of the public utility district for their approval or rejection. Such
10 petition must be filed within ninety days after the adoption of
11 resolution of the proposed action. The validity of said petition shall
12 be governed by the provisions of chapter 54.08 RCW.

13 NEW SECTION. **Sec. 3.** Section 2 of this act shall take effect
14 July 1, 1992.