

2 SSB 5329 - H COMM AMD
3 By Committee on Local Government

4

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

7 "Sec. 1. RCW 53.12.010 and 1992 c 146 s 1 are each amended to read
8 as follows:

9 The powers of the port district shall be exercised through a port
10 commission consisting of three or, when permitted by this title, five
11 members. Every port district that is not coextensive with a county
12 having a population of five hundred thousand or more shall be divided
13 into ~~((three))~~ the same number of commissioner districts as there are
14 commissioner positions, each having approximately equal population.
15 Where a port district with three commissioner positions is coextensive
16 with the boundaries of a county that has a population of less than five
17 hundred thousand and the county has three county legislative authority
18 districts, the port ~~((district))~~ commissioner districts shall be the
19 county legislative authority districts. In other instances where a
20 port district is divided into commissioner districts, the ~~((petition~~
21 ~~proposing the formation of such a))~~ port commission shall divide the
22 port district ~~((shall describe three))~~ into commissioner districts
23 ~~((each having approximately the same population and))~~ unless the
24 commissioner districts have been described pursuant to section 4 of
25 this act. The commissioner districts shall be altered as provided in
26 chapter 53.16 RCW.

27 Commissioner districts shall be used as follows: (1) Only a
28 registered voter who resides in a commissioner district may be a
29 candidate for, or hold office as, a commissioner of the commissioner
30 district; and (2) only the voters of a commissioner district may vote
31 at a primary ~~((election))~~ to nominate candidates for a commissioner of
32 the commissioner district. Voters of the entire port district may vote
33 at a general election to elect a person as a commissioner of the
34 commissioner district.

35 ~~((In port districts having additional commissioners as authorized~~
36 ~~by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port~~

1 ~~district shall be exercised through a port commission consisting of~~
2 ~~five members constituted as provided therein.))~~

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

5 A ballot proposition authorizing the use of commissioner districts
6 in a port district with a population of five hundred thousand or more
7 shall be submitted to the voters of the port district if either the
8 port commission adopts a resolution proposing the use of commissioner
9 districts or a petition proposing the use of commissioner districts is
10 submitted to the port commission that is signed by registered voters in
11 the port district equal in number to at least ten percent of the number
12 of voters who voted in the port district at the last district general
13 election. The port commission shall transfer the petition immediately
14 to the county auditor who shall review the signatures and certify the
15 sufficiency of the petition. A ballot proposition shall be submitted
16 to the voters of the port district at the next district general
17 election occurring sixty or more days after a petition with sufficient
18 valid signatures was submitted.

19 If the ballot proposition authorizing the use of commissioner
20 districts is approved by a simple majority vote, the port commission
21 shall divide the port district into either three or five commissioner
22 districts, depending on the number of commissioners on the board of
23 commissioners, each with approximately the same population. The
24 creation of commissioner districts shall be completed by the first day
25 of July in the year after the election at which the use of commissioner
26 districts was approved. A single commissioner shall reside in each of
27 the commissioner districts. Each of the current commissioners shall
28 remain in office until his or her term expires and a successor shall be
29 elected from the commissioner district in which the port commissioner
30 resides.

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

33 The commissioners of a port district may adopt a resolution
34 authorizing a ballot proposition to be submitted to the voters of the
35 port district that would eliminate the commissioner districts in the
36 port district. A copy of the resolution shall be transmitted to the
37 county auditor. The ballot proposition shall be submitted at the next

1 district general election occurring sixty or more days after the
2 adoption of the resolution by the port commissioners. If the ballot
3 proposition authorizing the port district to cease using commissioner
4 districts is approved by a simple majority vote, the port district
5 shall cease using commissioner districts at all subsequent elections.

6 A ballot proposition authorizing the elimination of commissioner
7 districts shall be submitted to the voters of a port district that is
8 divided into commissioner districts if a petition is submitted to the
9 port commission proposing that the port district cease using
10 commissioner districts, that is signed by registered voters of the port
11 district equal in number to at least ten percent of the number of
12 voters who voted at the last district general election. The port
13 commission shall transfer the petition immediately to the county
14 auditor who shall review the signatures and certify its sufficiency.
15 A ballot proposition authorizing the elimination of commissioner
16 districts shall be submitted at the next district general election
17 occurring sixty or more days after a petition with sufficient
18 signatures was submitted. If the ballot proposition authorizing the
19 port district to cease using commissioner districts is approved by a
20 simple majority vote, the port district shall cease using commissioner
21 districts at all subsequent elections. The port commission may adopt
22 a resolution eliminating the use of commissioner districts in lieu of
23 having the ballot proposition submitted to district voters.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 53.04 RCW
25 to read as follows:

26 Three commissioner districts, each with approximately the same
27 population, shall be described in the petition proposing the creation
28 of a port district under RCW 53.04.020, if the process to create the
29 port district was initiated by voter petition, or shall be described by
30 the county legislative authority, if the process to initiate the
31 creation of the port district was by action of the county legislative
32 authority. However, commissioner districts shall not be described if
33 the commissioner districts of the proposed port district shall be the
34 same as the county legislative authority districts.

35 The initial port commissioners shall be elected as provided in RCW
36 53.12.172.

1 **Sec. 5.** RCW 53.04.023 and 1992 c 147 s 2 are each amended to read
2 as follows:

3 A less than county-wide port district with an assessed valuation of
4 at least seventy-five million dollars may be created in a county
5 bordering on saltwater that already has a less than county-wide port
6 district located within its boundaries. Except as provided in this
7 section, such a port district shall be created in accordance with the
8 procedure to create a county-wide port district.

9 The effort to create such a port district is initiated by the
10 filing of a petition with the county auditor calling for the creation
11 of such a port district, describing the boundaries of the proposed port
12 district, designating either three or five commissioner positions,
13 describing commissioner districts if the petitioners propose that the
14 commissioners represent districts, and providing a name for the
15 proposed port district. The petition must be signed by voters residing
16 within the proposed port district equal in number to at least ten
17 percent of such voters who voted at the last county general election.

18 A public hearing on creation of the proposed port district shall be
19 held by the county legislative authority if the county auditor
20 certifies that the petition contained sufficient valid signatures.
21 Notice of the public hearing must be published in the county's official
22 newspaper at least ten days prior to the date of the public hearing.
23 After taking testimony, the county legislative authority may make
24 changes in the boundaries of the proposed port district if it finds
25 that such changes are in the public interest and shall determine if the
26 creation of the port district is in the public interest. No area may
27 be added to the boundaries unless a subsequent public hearing is held
28 on the proposed port district.

29 The county legislative authority shall submit a ballot proposition
30 authorizing the creation of the proposed port district to the voters of
31 the proposed port district, at any special election date provided in
32 RCW 29.13.020, if it finds the creation of the port district to be in
33 the public interest.

34 The port district shall be created if a majority of the voters
35 voting on the ballot proposition favor the creation of the port
36 district. The initial port commissioners shall be elected at the same
37 election, from districts or at large, as provided in the petition
38 initiating the creation of the port district. The election shall be
39 otherwise conducted as provided in RCW ((53.12.050)) 53.12.172, but the

1 election of commissioners shall be null and void if the port district
2 is not created. (~~Commissioner districts shall not be used in the~~
3 ~~initial election of the port commissioners.~~)

4 This section shall expire July 1, 1997.

5 **Sec. 6.** RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and
6 amended to read as follows:

7 (1) In every port district the term of office of each port
8 commissioner shall be four years in each port district that is county-
9 wide with a population of one hundred thousand or more, or either six
10 or four years in all other port districts as provided in RCW 53.12.175,
11 and until a successor is elected and qualified and assumes office in
12 accordance with RCW 29.04.170.

13 (2) The initial port commissioners shall be elected at the same
14 election as when the ballot proposition is submitted to voters
15 authorizing the creation of the port district. If the port district is
16 created the persons elected at this election shall serve as the initial
17 port commission. No primary shall be held. The person receiving the
18 greatest number of votes for commissioner from each commissioner
19 district shall be elected as the commissioner of that district.

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

34 (4) The terms of office of the initial port commissioners in all
35 other port districts shall be staggered as follows: (a) The person who
36 is elected receiving the greatest number of votes shall be elected to
37 a six-year term of office if the election is held in an odd-numbered
38 year or to a five-year term of office if the election is held in an

1 even-numbered year, and shall hold office until a successor is elected
2 and qualified and assumes office in accordance with RCW 29.04.170; (b)
3 the person who is elected receiving the next greatest number of votes
4 shall be elected to a four-year term of office if the election is held
5 in an odd-numbered year or to a three-year term of office if the
6 election is held in an even-numbered year, and shall hold office until
7 a successor is elected and qualified and assumes office in accordance
8 with RCW 29.04.170; and (c) the other person who is elected shall be
9 elected to a two-year term of office if the election is held in an odd-
10 numbered year or a one-year term of office if the election is held in
11 an even-numbered year, and shall hold office until a successor is
12 elected and qualified and assumes office in accordance with RCW
13 29.04.170.

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

18 **Sec. 7.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read
19 as follows:

20 A ballot proposition shall be submitted to the voters of any port
21 district authorizing an increase in the number of port commissioners to
22 five whenever the port commission adopts a resolution proposing the
23 increase in number of port commissioners or a petition ((requesting))
24 proposing such an increase has been submitted to the county auditor of
25 the county in which the port district is located that has been signed
26 by voters of the port district at least equal in number to ten percent
27 of the number of voters in the port district who voted at the last
28 general election. The ballot proposition shall be submitted at the
29 next general or special election occurring sixty or more days after the
30 petition was submitted or resolution was adopted.

31 At the next general or special election following the election in
32 which an increase in the number of port commissioners was authorized,
33 candidates for the two additional port commissioner positions shall be
34 elected as provided in RCW 53.12.130.

35 **Sec. 8.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read
36 as follows:

1 When the population of a port district that has three commissioners
2 reaches five hundred thousand, in accordance with the latest United
3 States regular or special census or with the official state population
4 estimate, there shall be submitted to the voters of the district, at
5 the next district general election or at a special port election called
6 for that purpose, the proposition of increasing the number of
7 commissioners to five. (~~At any general election thereafter, the same~~
8 ~~proposition may be submitted by resolution of the port commissioners,~~
9 ~~by filing a certified copy of the resolution with the county auditor at~~
10 ~~least four months prior to the general election. If the proposition is~~
11 ~~approved by the voters, the commission in that port district shall~~
12 ~~consist of five commissioners.~~)

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

17 **Sec. 9.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read
18 as follows:

19 Two additional port commissioners shall be elected at the next
20 district general election following the election at which voters
21 authorized the increase in port commissioners to five members. (~~The~~
22 ~~two additional positions shall be numbered positions four and five.~~)

23 The port commissioners shall divide the port district into five
24 commissioner districts prior to the first day of June in the year in
25 which the two additional commissioners shall be elected. The new
26 commissioner districts shall be numbered one through five and the three
27 incumbent commissioners shall represent commissioner districts one
28 through three. If, as a result of redrawing the district boundaries
29 two or three of the incumbent commissioners reside in one of the new
30 commissioner districts, the commissioners who reside in the same
31 commissioner district shall determine by lot which of the first three
32 numbered commissioner districts they shall represent for the remainder
33 of their respective terms. A primary shall be held to nominate
34 candidates from districts four and five where necessary and
35 commissioners shall be elected from commissioner districts four and
36 five at the general election. The persons (~~receiving the highest~~
37 ~~number of votes for each position shall be elected to that position~~
38 ~~and~~) elected as commissioners from commissioner districts four and

1 five shall take office immediately after qualification as defined under
2 RCW 29.01.135.

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

23 ~~((A successor to a commissioner holding position four or five whose
24 term is about to expire, shall be elected at the general election next
25 preceding such expiration, for a))~~ Successor commissioners from
26 districts four and five shall be elected to terms of either six or four
27 years, depending on the length of terms of office to which
28 commissioners of that port district are elected. ((Positions four and
29 five shall not be associated with a commissioner district and the
30 elections to both nominate candidates for those positions and elect
31 commissioners for these positions shall be held on a port district wide
32 basis.))

33 **Sec. 10.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read
34 as follows:

35 A ballot proposition to reduce the terms of office of port
36 commissioners from six years to four years shall be submitted to the
37 voters of any port district that otherwise would have commissioners
38 with six-year terms of office upon either resolution of the port

1 commissioners or petition of voters of the port district proposing the
2 reduction in terms of office, which petition has been signed by voters
3 of the port district equal in number to at least ten percent of the
4 number of voters in the port district voting at the last ~~((district))~~
5 general election. The petition shall be submitted to the county
6 auditor. If the petition was signed by sufficient valid signatures,
7 the ballot proposition shall be submitted at the next ~~((district))~~
8 general or special election that occurs sixty or more days after the
9 adoption of the resolution or submission of the petition.

10 If the ballot proposition reducing the terms of office of port
11 commissioners is approved by a simple majority vote of the voters
12 voting on the proposition, the commissioner or commissioners who are
13 elected at that election shall be elected to four-year terms of office.
14 The terms of office of the other commissioners shall not be reduced,
15 but each successor shall be elected to a four-year term of office.

16 **Sec. 11.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to
17 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 of a port district that
21 uses commissioner districts may redraw the commissioner district
22 boundaries as provided in chapter 29.70 RCW at any time and submit the
23 redrawn boundaries to the county auditor if the port district is not
24 coterminous with a county that has the same number of county
25 legislative authority districts as the port has port commissioners.
26 The new commissioner districts shall be used at the next election at
27 which a port commissioner is regularly elected that occurs at least one
28 hundred eighty days after the redrawn boundaries have been submitted.
29 Each commissioner district shall encompass as nearly as possible ~~((one-
30 third of the population of the port district))~~ the same population."

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