1 **2278-S AMS HAUG S5813.1**

2 **SHB 2278** - S AMD TO GO COMM AMD (S5376.1)
3   By Senators Haugen, McCaslin and Winsley

4   WITHDRAWN 3/4/94

5   On page 42, beginning on line 13 of the amendment, strike section
6 55

7   Renumber the remaining sections consecutively and correct any
8 references accordingly.

9 **SHB 2278** - S AMD TO GO COMM AMD (S5376.1)
10   By Senator

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12   On page 70, after line 27 of the amendment, insert the following:

13   "**Sec. 82.** RCW 53.12.010 and 1992 c 146 s 1 are each amended to
14 read as follows:
15   The powers of the port district shall be exercised through a port
16 commission consisting of three <u>or, when permitted by this title, five</u>
17 members. Every port district that is not coextensive with a county
18 having a population of five hundred thousand or more shall be divided
19 into ((three)) <u>the same number of</u> commissioner districts <u>as there are</u>
20 <u>commissioner positions,</u> each having approximately equal population.
21 Where a port district <u>with three commissioner positions</u> is coextensive
22 with the boundaries of a county that has a population of less than five
23 hundred thousand and the county has three county legislative authority
24 districts, the port ((district)) commissioner districts shall be the
25 county legislative authority districts. In other instances where a
26 port district is divided into commissioner districts, the ((petition
27 proposing the formation of such a)) <u>port commission shall divide the</u>
28 port district ((shall describe three)) <u>into</u> commissioner districts
29 ((each having approximately the same population and)) <u>unless the</u>
30 <u>commissioner districts have been described pursuant to section 84 of</u>
31 <u>this act. The</u> commissioner districts shall be altered as provided in
32 chapter 53.16 RCW.

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

((In port districts having additional commissioners as authorized by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.))

NEW SECTION. **Sec. 83.** A new section is added to chapter 53.12 RCW to read as follows:

The commissioners of a port district may adopt a resolution authorizing a ballot proposition to be submitted to the voters of the port district that would eliminate the commissioner districts in the port district. A copy of the resolution shall be transmitted to the county auditor. The ballot proposition shall be submitted at the next district general election occurring sixty or more days after the adoption of the resolution by the port commissioners. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a port district that is divided into commissioner districts if a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election. The port commission shall transfer the petition immediately to the county auditor who shall review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a

simple majority vote, the port district shall cease using commissioner
districts at all subsequent elections. The port commission may adopt
a resolution eliminating the use of commissioner districts in lieu of
having the ballot proposition submitted to district voters.

NEW SECTION. **Sec. 84.** A new section is added to chapter 53.04 RCW
to read as follows:

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

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

Sec. 85. RCW 53.04.023 and 1992 c 147 s 2 are each amended to read
as follows:

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

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

A public hearing on creation of the proposed port district shall be
held by the county legislative authority if the county auditor
certifies that the petition contained sufficient valid signatures.

Notice of the public hearing must be published in the county's official
newspaper at least ten days prior to the date of the public hearing.
After taking testimony, the county legislative authority may make
changes in the boundaries of the proposed port district if it finds
that such changes are in the public interest and shall determine if the
creation of the port district is in the public interest. No area may
be added to the boundaries unless a subsequent public hearing is held
on the proposed port district.

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

The port district shall be created if a majority of the voters
voting on the ballot proposition favor the creation of the port
district. The initial port commissioners shall be elected at the same
election, from districts or at large, as provided in the petition
initiating the creation of the port district. The election shall be
otherwise conducted as provided in RCW ((53.12.050)) 53.12.172, but the
election of commissioners shall be null and void if the port district
is not created. ((Commissioner districts shall not be used in the
initial election of the port commissioners.))

This section shall expire July 1, 1997.

Sec. 86. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and
amended to read as follows:

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

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

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1   (3) The terms of office of the initial port commissioners shall be
2 staggered as follows in a port district that is county-wide with a
3 population of one hundred thousand or more: (((1))) (a) The two
4 persons who are elected receiving the two greatest numbers of votes
5 shall be elected to four-year terms of office if the election is held
6 in an odd-numbered year, or three-year terms of office if the election
7 is held in an even-numbered year, and shall hold office until
8 successors are elected and qualified and assume office in accordance
9 with RCW 29.04.170; and (((2))) (b) the other person who is elected
10 shall be elected to a two-year term of office if the election is held
11 in an odd-numbered year, or a one-year term of office if the election
12 is held in an even-numbered year, and shall hold office until a
13 successor is elected and qualified and assumes office in accordance
14 with RCW 29.04.170.

15   (4) The terms of office of the initial port commissioners in all
16 other port districts shall be staggered as follows: (a) The person who
17 is elected receiving the greatest number of votes shall be elected to
18 a six-year term of office if the election is held in an odd-numbered
19 year or to a five-year term of office if the election is held in an
20 even-numbered year, and shall hold office until a successor is elected
21 and qualified and assumes office in accordance with RCW 29.04.170; (b)
22 the person who is elected receiving the next greatest number of votes
23 shall be elected to a four-year term of office if the election is held
24 in an odd-numbered year or to a three-year term of office if the
25 election is held in an even-numbered year, and shall hold office until
26 a successor is elected and qualified and assumes office in accordance
27 with RCW 29.04.170; and (c) the other person who is elected shall be
28 elected to a two-year term of office if the election is held in an odd-
29 numbered year or a one-year term of office if the election is held in
30 an even-numbered year, and shall hold office until a successor is
31 elected and qualified and assumes office in accordance with RCW
32 29.04.170.

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

37   **Sec. 87.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read
38 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 the port commission adopts a resolution proposing the
 4 increase in number of port commissioners or a petition ((requesting))
 5 proposing such an increase has been submitted to the county auditor of
 6 the county in which the port district is located that has been signed
 7 by voters of the port district at least equal in number to ten percent
 8 of the number of voters in the port district who voted at the last
 9 general election. The ballot proposition shall be submitted at the
10 next general or special election occurring sixty or more days after the
11 petition was submitted or resolution was adopted.
12   At the next general or special election following the election in
13 which an increase in the number of port commissioners was authorized,
14 candidates for the two additional port commissioner positions shall be
15 elected as provided in RCW 53.12.130.

16   **Sec. 88.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read
17 as follows:
18   When the population of a port district that has three commissioners
19 reaches five hundred thousand, in accordance with the latest United
20 States regular or special census or with the official state population
21 estimate, there shall be submitted to the voters of the district, at
22 the next district general election or at a special port election called
23 for that purpose, the proposition of increasing the number of
24 commissioners to five. ((At any general election thereafter, the same
25 proposition may be submitted by resolution of the port commissioners,
26 by filing a certified copy of the resolution with the county auditor at
27 least four months prior to the general election. If the proposition is
28 approved by the voters, the commission in that port district shall
29 consist of five commissioners.))
30   At the next district general election following the election in
31 which an increase in the number of port commissioners was authorized,
32 candidates for the two additional port commissioner positions shall be
33 elected as provided in RCW 53.12.130.

34   **Sec. 89.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read
35 as follows:
36   Two additional port commissioners shall be elected at the next
37 district general election following the election at which voters

1 authorized the increase in port commissioners to five members. ((~~The~~
2 ~~two additional positions shall be numbered positions four and five.~~))
3   The port commissioners shall divide the port district into five
4 commissioner districts prior to the first day of June in the year in
5 which the two additional commissioners shall be elected. The new
6 commissioner districts shall be numbered one through five and the three
7 incumbent commissioners shall represent commissioner districts one
8 through three. If, as a result of redrawing the district boundaries
9 two or three of the incumbent commissioners reside in one of the new
10 commissioner districts, the commissioners who reside in the same
11 commissioner district shall determine by lot which of the first three
12 numbered commissioner districts they shall represent for the remainder
13 of their respective terms. A primary shall be held to nominate
14 candidates from districts four and five where necessary and
15 commissioners shall be elected from commissioner districts four and
16 five at the general election. The persons ((~~receiving the highest~~
17 ~~number of votes for each position shall be elected to that position~~
18 ~~and~~)) elected as commissioners from commissioner districts four and
19 five shall take office immediately after qualification as defined under
20 RCW 29.01.135.
21   In a port district where commissioners are elected to four-year
22 terms of office, the additional commissioner thus elected receiving the
23 highest number of votes shall be elected to a four-year term of office
24 and the other additional commissioner thus elected shall be elected to
25 a term of office of two years, if the election ((~~were~~)) is held in an
26 odd-numbered year, or the additional commissioner thus elected
27 receiving the highest number of votes shall be elected to a term of
28 office of three years and the other shall be elected to a term of
29 office of one year, if the election ((~~were~~)) is held in an even-
30 numbered year. In a port district where the commissioners are elected
31 to six-year terms of office, the additional commissioner thus elected
32 receiving the highest number of votes shall be elected to a six-year
33 term of office and the other additional commissioner shall be elected
34 to a four-year term of office, if the election is held in an odd-
35 numbered year, or the additional commissioner receiving the highest
36 number of votes shall be elected to a term of office of five-years and
37 the other shall be elected to a three-year term of office, if the
38 election is held in an even-numbered year. The length of terms of

1 office shall be computed from the first day of January in the year
2 following this election.
3   ((A successor to a commissioner holding position four or five whose
4 term is about to expire, shall be elected at the general election next
5 preceding such expiration, for a)) Successor commissioners from
6 districts four and five shall be elected to terms of either six or four
7 years, depending on the length of terms of office to which
8 commissioners of that port district are elected. ((Positions four and
9 five shall not be associated with a commissioner district and the
10 elections to both nominate candidates for those positions and elect
11 commissioners for these positions shall be held on a port district-wide
12 basis.))

13   **Sec. 90.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read
14 as follows:
15   A ballot proposition to reduce the terms of office of port
16 commissioners from six years to four years shall be submitted to the
17 voters of any port district that otherwise would have commissioners
18 with six-year terms of office upon either resolution of the port
19 commissioners or petition of voters of the port district proposing the
20 reduction in terms of office, which petition has been signed by voters
21 of the port district equal in number to at least ten percent of the
22 number of voters in the port district voting at the last ((district))
23 general election.   The petition shall be submitted to the county
24 auditor. If the petition was signed by sufficient valid signatures,
25 the ballot proposition shall be submitted at the next ((district))
26 general or special election that occurs sixty or more days after the
27 adoption of the resolution or submission of the petition.
28   If the ballot proposition reducing the terms of office of port
29 commissioners is approved by a simple majority vote of the voters
30 voting on the proposition, the commissioner or commissioners who are
31 elected at that election shall be elected to four-year terms of office.
32 The terms of office of the other commissioners shall not be reduced,
33 but each successor shall be elected to a four-year term of office.

34   **Sec. 91.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to
35 read as follows:
36   ((In a port district that is not coterminous with a county that has
37 three county legislative authority districts and that has port

1 ~~commissioner districts,~~)) <u>T</u>he port commission <u>of a port district that</u>
 2 <u>uses commissioner districts</u> may redraw the commissioner district
 3 boundaries as provided in chapter 29.70 RCW at any time and submit the
 4 redrawn boundaries to the county auditor <u>if the port district is not</u>
 5 <u>coterminous with a county that has the same number of county</u>
 6 <u>legislative authority districts as the port has port commissioners</u>.
 7 The new commissioner districts shall be used at the next election at
 8 which a port commissioner is regularly elected that occurs at least one
 9 hundred eighty days after the redrawn boundaries have been submitted.
10 Each commissioner district shall encompass as nearly as possible ((~~one~~
11 ~~third of the population of the port district~~)) <u>the same population</u>."

12 **SHB 2278** - S AMD TO GO COMM AMD (S5376.1)
13   By Senator

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15   On page 72, line 36 of the title amendment, after "70.44.045,"
16 strike "and 70.44.053" and insert "70.44.053, 53.12.010, 53.04.023,
17 53.12.115, 53.12.120, 53.12.130, 53.12.175, and 53.16.015"

18 **SHB 2278** - S AMD TO GO COMM AMD (S5376.1)
19   By Senators Haugen, McCaslin and Winsley

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21   On page 73, line 1 of the title amendment, after "reenacting"
22 insert "and amending"

23   On page 73, on line 5 of the title amendment, after "65.82 RCW;"
24 insert "adding a new section to chapter 53.12 RCW; adding a new section
25 to chapter 53.04 RCW;"

--- END ---