

1 2278-S AMS HAUG S5872.1

2 **SHB 2278** - S AMD TO GO COMM AMD (S5376.4)
3 By Senators Haugen, Winsley and McCaslin

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

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

9 **SHB 2278** - S AMD TO GO COMM AMD (S5376.4)
10 By Senator Haugen

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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 (1) The powers of the port district shall be exercised through a
16 port commission consisting of three or, when permitted by this title,
17 five members. Every port district that is not coextensive with a
18 county having a population of five hundred thousand or more shall be
19 divided into ((three)) the same number of commissioner districts as
20 there are commissioner positions, each having approximately equal
21 population, unless provided otherwise under subsection (2) of this
22 section. Where a port district with three commissioner positions is
23 coextensive with the boundaries of a county that has a population of
24 less than five hundred thousand and the county has three county
25 legislative authority districts, the port ((district)) commissioner
26 districts shall be the county legislative authority districts. In
27 other instances where a port district is divided into commissioner
28 districts, the ((petition proposing the formation of such a)) port
29 commission shall divide the port district ((shall describe three)) into
30 commissioner districts ((each having approximately the same population
31 and)) unless the commissioner districts have been described pursuant to
32 section 84 of this act. The commissioner districts shall be altered as
33 provided in chapter 53.16 RCW.

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

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

13 (2) In port districts with five commissioners, two of the
14 commissioner districts may include the entire port district if approved
15 by the voters of the district either at the time of formation or at a
16 subsequent port district election at which the issue is proposed
17 pursuant to a resolution adopted by the board of commissioners and
18 delivered to the county auditor.

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

21 Any less than county-wide port district that uses commissioner
22 districts may cease using commissioner districts as provided in this
23 section.

24 A ballot proposition authorizing the elimination of commissioner
25 districts shall be submitted to the voters of a less than county-wide
26 port district that is divided into commissioner districts if (1) a
27 petition is submitted to the port commission proposing that the port
28 district cease using commissioner districts, that is signed by
29 registered voters of the port district equal in number to at least ten
30 percent of the number of voters who voted at the last district general
31 election; or (2) the port commissioners adopt a resolution proposing
32 that the port district cease using commissioner districts. The port
33 commission shall transfer the petition or resolution immediately to the
34 county auditor who shall, when a petition is submitted, review the
35 signatures and certify its sufficiency. A ballot proposition
36 authorizing the elimination of commissioner districts shall be
37 submitted at the next district general election occurring sixty or more
38 days after a petition with sufficient signatures was submitted. If the

1 ballot proposition authorizing the port district to cease using
2 commissioner districts is approved by a simple majority vote, the port
3 district shall cease using commissioner districts at all subsequent
4 elections.

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

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

16 The initial port commissioners shall be elected as provided in RCW
17 53.12.172.

18 **Sec. 85.** RCW 53.04.023 and 1993 c 70 s 1 are each amended to read
19 as follows:

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

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

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

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

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

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

23 This section shall expire July 1, 1997.

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

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

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

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, and the voters may be asked to
16 approve the nomination of commissioners from district-wide commissioner
17 districts as permitted in RCW 53.12.010(2).

18 **Sec. 88.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read
19 as follows:

20 When the population of a port district that has three commissioners
21 reaches five hundred thousand, in accordance with the latest United
22 States regular or special census or with the official state population
23 estimate, there shall be submitted to the voters of the district, at
24 the next district general election or at a special port election called
25 for that purpose, the proposition of increasing the number of
26 commissioners to five. ~~((At any general election thereafter, the same
27 proposition may be submitted by resolution of the port commissioners,
28 by filing a certified copy of the resolution with the county auditor at
29 least four months prior to the general election. If the proposition is
30 approved by the voters, the commission in that port district shall
31 consist of five commissioners.))~~

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

36 **Sec. 89.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read
37 as follows:

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

5 The port commissioners shall divide the port district into five
6 commissioner districts prior to the first day of June in the year in
7 which the two additional commissioners shall be elected, unless the
8 voters approved the nomination of the two additional commissioners from
9 district-wide commissioner districts as permitted in RCW 53.12.010(2).
10 The new commissioner districts shall be numbered one through five and
11 the three incumbent commissioners shall represent commissioner
12 districts one through three. If, as a result of redrawing the district
13 boundaries two or three of the incumbent commissioners reside in one of
14 the new commissioner districts, the commissioners who reside in the
15 same commissioner district shall determine by lot which of the first
16 three numbered commissioner districts they shall represent for the
17 remainder of their respective terms. A primary shall be held to
18 nominate candidates from districts four and five where necessary and
19 commissioners shall be elected from commissioner districts four and
20 five at the general election. The persons ((receiving the highest
21 ~~number of votes for each position shall be elected to that position~~
22 ~~and))~~ elect as commissioners from commissioner districts four and
23 five shall take office immediately after qualification as defined under
24 RCW 29.01.135.

25 In a port district where commissioners are elected to four-year
26 terms of office, the additional commissioner thus elected receiving the
27 highest number of votes shall be elected to a four-year term of office
28 and the other additional commissioner thus elected shall be elected to
29 a term of office of two years, if the election ((were)) is held in an
30 odd-numbered year, or the additional commissioner thus elected
31 receiving the highest number of votes shall be elected to a term of
32 office of three years and the other shall be elected to a term of
33 office of one year, if the election ((were)) is held in an even-
34 numbered year. In a port district where the commissioners are elected
35 to six-year terms of office, the additional commissioner thus elected
36 receiving the highest number of votes shall be elected to a six-year
37 term of office and the other additional commissioner shall be elected
38 to a four-year term of office, if the election is held in an odd-
39 numbered year, or the additional commissioner receiving the highest

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

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

16 **Sec. 90.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read
17 as follows:

18 A ballot proposition to reduce the terms of office of port
19 commissioners from six years to four years shall be submitted to the
20 voters of any port district that otherwise would have commissioners
21 with six-year terms of office upon either resolution of the port
22 commissioners or petition of voters of the port district proposing the
23 reduction in terms of office, which petition has been signed by voters
24 of the port district equal in number to at least ten percent of the
25 number of voters in the port district voting at the last ~~((district))~~
26 general election. The petition shall be submitted to the county
27 auditor. If the petition was signed by sufficient valid signatures,
28 the ballot proposition shall be submitted at the next ~~((district))~~
29 general or special election that occurs sixty or more days after the
30 adoption of the resolution or submission of the petition.

31 If the ballot proposition reducing the terms of office of port
32 commissioners is approved by a simple majority vote of the voters
33 voting on the proposition, the commissioner or commissioners who are
34 elected at that election shall be elected to four-year terms of office.
35 The terms of office of the other commissioners shall not be reduced,
36 but each successor shall be elected to a four-year term of office.

1 **Sec. 91.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to
2 read as follows:

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

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17 By Senators Haugen, Winsley and McCaslin

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19 On page 72, line 36 of the title amendment, after "70.44.045,"
20 strike "and 70.44.053" and insert "70.44.053, 53.12.010, 53.04.023,
21 53.12.115, 53.12.120, 53.12.130, 53.12.175, and 53.16.015;"

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

27 On page 73, line 5 of the title amendment, after "65.82 RCW;"
28 insert "adding a new section to chapter 53.12 RCW; adding a new section
29 to chapter 53.04 RCW;"

--- END ---