
HOUSE BILL 2796

State of Washington

55th Legislature

1998 Regular Session

By Representatives McCune, Keiser, Poulsen, Van Luven, Sump, Hickel, Constantine, Thompson, Sheahan, Smith, B. Thomas and Sherstad

Read first time 01/20/98. Referred to Committee on Government Administration.

1 AN ACT Relating to the use of commissioner districts in port
2 districts; amending RCW 53.12.010, 53.12.115, 53.12.130, 53.16.015, and
3 29.70.100; adding a new section to chapter 53.12 RCW; and creating a
4 new section.

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

6 **Sec. 1.** RCW 53.12.010 and 1994 c 223 s 81 are each amended to read
7 as follows:

8 (1) The powers of the port district shall be exercised through a
9 port commission consisting of three (~~or, when permitted by this~~
10 ~~title,~~) members, except where the number of commissioners has been
11 increased to five members under RCW 53.12.115 through 53.12.130 and
12 except where section 4 of this act provides for a port commission
13 consisting of seven members.

14 (2) Every port district (~~that is not coextensive with a county~~
15 ~~having a population of five hundred thousand or more~~) shall be divided
16 into the same number of commissioner districts as there are
17 commissioner positions, each having approximately equal population,
18 (~~unless~~) except as provided otherwise under (~~subsection (2) of this~~
19 ~~section~~) RCW 53.12.021 or if the port district is coextensive with the

1 boundaries of a county with a population of from five hundred thousand
2 to less than one million, in which case commissioner districts shall
3 not be used as part of the process to elect port commissioners. Where
4 a port district with three commissioners ((positions)) is coextensive
5 with the boundaries of a county ((that has a population of less than
6 five hundred thousand and the county has)) with three county
7 legislative authority districts, the port commissioner districts shall
8 be the county legislative authority districts. In other instances
9 where a port district is divided into commissioner districts, the port
10 commission shall divide the port district into commissioner districts
11 ((unless)), except where the commissioner districts have been described
12 pursuant to RCW 53.04.031 and except that the county legislative
13 authority of a county with a population of one million or more and
14 boundaries coextensive with the boundaries of a port district shall
15 divide that port district into commissioner districts. The
16 commissioner districts shall be altered as provided in chapter 53.16
17 RCW.

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

26 ~~((2) In))~~ (3) Port districts with five commissioners, ((two of the
27 commissioner districts may include the entire port district if
28 approved)) other than a port district that is coextensive with the
29 boundaries of a county with a population of from five hundred thousand
30 to less than one million, shall be divided into five commissioner
31 districts and the two additional commissioners shall be elected from
32 districts four and five, unless voters of the district authorize the
33 nomination and election of the two additional commissioners on a port
34 district-wide basis without the use of commissioner districts. The
35 nomination and election of the two additional commissioners on a port
36 district-wide basis without the use of commissioner districts may be
37 authorized by the voters of the district either at the time of
38 formation or at a subsequent port district election at which the issue

1 is proposed pursuant to a resolution adopted by the board of
2 commissioners and delivered to the county auditor.

3 **Sec. 2.** RCW 53.12.115 and 1994 c 223 s 86 are each amended to read
4 as follows:

5 A ballot proposition shall be submitted to the voters of any port
6 district authorizing an increase in the number of port commissioners to
7 five whenever the port commission adopts a resolution proposing the
8 increase in number of port commissioners or a petition proposing such
9 an increase has been submitted to the county auditor of the county in
10 which the port district is located that has been signed by voters of
11 the port district at least equal in number to ten percent of the number
12 of voters in the port district who voted at the last general election.
13 The ballot proposition shall be submitted at the next general or
14 special election occurring sixty or more days after the petition was
15 submitted or resolution was adopted.

16 At the next district general (~~((or special))~~) election following the
17 election in which an increase in the number of port commissioners was
18 authorized, candidates for the two additional port commissioner
19 positions shall be elected as provided in RCW 53.12.130, and the voters
20 may be asked to approve the nomination of commissioners from district-
21 wide commissioner districts as permitted in RCW 53.12.010(2).

22 **Sec. 3.** RCW 53.12.130 and 1994 c 223 s 88 are each amended to read
23 as follows:

24 Two additional port commissioners shall be elected at the next
25 district general election following the election at which voters
26 authorized the increase in port commissioners to five members.

27 The port commissioners shall divide the port district into five
28 commissioner districts prior to the first day of June in the year in
29 which the two additional commissioners shall be elected, unless the
30 voters approved the (~~((nomination))~~) election of the two additional
31 commissioners (~~((from district-wide))~~) without the use of commissioner
32 districts as permitted in RCW 53.12.010(2). The new commissioner
33 districts shall be numbered one through five and the three incumbent
34 commissioners shall represent commissioner districts one through three.
35 If, as a result of redrawing the district boundaries two or three of
36 the incumbent commissioners reside in one of the new commissioner
37 districts, the commissioners who reside in the same commissioner

1 district shall determine by lot which of the first three numbered
2 commissioner districts they shall represent for the remainder of their
3 respective terms. A primary shall be held to nominate candidates from
4 districts four and five where necessary and commissioners shall be
5 elected from commissioner districts four and five at the district
6 general election. The persons elected as commissioners from
7 commissioner districts four and five shall take office immediately
8 after qualification as defined under RCW 29.01.135.

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

28 Successor commissioners from districts four and five shall be
29 elected to terms of either six or four years, depending on the length
30 of terms of office to which commissioners of that port district are
31 elected.

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

34 Commencing on January 1, 2000, the port commission of a port
35 district that is coextensive with the boundaries of a county with a
36 population of one million or more shall consist of seven members.

1 NEW SECTION. **Sec. 5.** The county legislative authority of a county
2 with a population of one million or more, with a port district that is
3 coextensive with the boundaries of the county, shall divide the port
4 district into seven commissioner districts by March 1, 1999. Each
5 commissioner district shall have approximately equal population. The
6 commissioner districts shall be used for residency and nomination
7 purposes to elect commissioners, as provided under RCW 53.12.010, in
8 1999 and thereafter.

9 If the drawing of commissioner district boundaries results in two
10 or more commissioners residing in the same commissioner district, the
11 county legislative authority shall assign all but one of these
12 commissioners to separate commissioner districts in which no
13 commissioner resides or has been assigned. Where possible, the
14 commissioner with the shortest unexpired term of office shall be so
15 assigned. The commissioners so assigned shall be deemed to be
16 residents of the commissioner districts to which they are assigned for
17 the remainder of their terms of office.

18 In addition to electing persons at the 1999 district general
19 election to succeed commissioners whose terms of office expire on
20 January 1, 2000, two additional commissioners shall be elected at the
21 1999 district general election, one from each commissioner district
22 where no commissioner resides or has been assigned. Each commissioner
23 shall be elected to a four-year term of office in accordance with RCW
24 53.12.172.

25 **Sec. 6.** RCW 53.16.015 and 1994 c 223 s 90 are each amended to read
26 as follows:

27 (1) Except as provided in subsection (2) of this section, the port
28 commission of a port district that uses commissioner districts may
29 redraw the commissioner district boundaries as provided in chapter
30 29.70 RCW at any time and submit the redrawn boundaries to the county
31 auditor if the port district is not coterminous with a county that has
32 the same number of county legislative authority districts as the port
33 has port commissioners. The new commissioner districts shall be used
34 at the next election at which a port commissioner is regularly elected
35 that occurs at least one hundred eighty days after the redrawn
36 boundaries have been submitted. If the redrawing of commissioner
37 district boundaries results in two or more commissioners who are to be
38 elected from commissioner districts residing in the same commissioner

1 district, the port commission shall assign all but one of these
2 commissioners to separate commissioner districts in which no
3 commissioner resides or has been assigned. Where possible, the
4 commissioner with the shortest unexpired term of office shall be so
5 assigned. The commissioners so assigned shall be deemed to be
6 residents of the commissioner districts to which they are assigned for
7 the remainder of their terms of office.

8 Each commissioner district shall encompass as nearly as possible
9 the same population.

10 (2) The county legislative authority of a county with a population
11 of one million or more with a port district that is coextensive with
12 its boundaries shall redraw the boundaries of port commissioner
13 districts under the provisions of this chapter.

14 **Sec. 7.** RCW 29.70.100 and 1984 c 13 s 4 are each amended to read
15 as follows:

16 (1) It is the responsibility of each county, municipal corporation,
17 and special purpose district with a governing body comprised of
18 internal director, council, or commissioner districts not based on
19 statutorily required land ownership criteria to periodically redistrict
20 its governmental unit, based on population information from the most
21 recent federal decennial census.

22 (2) Within forty-five days after receipt of federal decennial
23 census information applicable to a specific local area, the commission
24 established in RCW 44.05.030 shall forward the census information to
25 each municipal corporation, county, and district charged with
26 redistricting under this section.

27 (3) No later than eight months after its receipt of federal
28 decennial census data, the governing body of the municipal corporation,
29 county, or district shall prepare a plan for redistricting its internal
30 or director districts.

31 (4) The plan shall be consistent with the following criteria:

32 (a) Each internal director, council, or commissioner district shall
33 be as nearly equal in population as possible to each and every other
34 such district comprising the municipal corporation, county, or special
35 purpose district.

36 (b) Each district shall be as compact as possible.

37 (c) Each district shall consist of geographically contiguous area.

1 (d) Population data may not be used for purposes of favoring or
2 disfavoring any racial group or political party.

3 (e) To the extent feasible and if not inconsistent with the basic
4 enabling legislation for the municipal corporation, county, or
5 district, the district boundaries shall coincide with existing
6 recognized natural boundaries and shall, to the extent possible,
7 preserve existing communities of related and mutual interest.

8 (5) During the adoption of its plan, the municipal corporation,
9 county, or district shall ensure that full and reasonable public notice
10 of its actions is provided. The municipal corporation, county, or
11 district shall hold at least one public hearing on the redistricting
12 plan at least one week before adoption of the plan.

13 (6)(a) Any registered voter residing in an area affected by the
14 redistricting plan may request review of the adopted local plan by the
15 superior court of the county in which he or she resides, within forty-
16 five days of the plan's adoption. Any request for review must specify
17 the reason or reasons alleged why the local plan is not consistent with
18 the applicable redistricting criteria. The municipal corporation,
19 county, or district may be joined as respondent. The superior court
20 shall thereupon review the challenged plan for compliance with the
21 applicable redistricting criteria set out in subsection (4) of this
22 section.

23 (b) If the superior court finds the plan to be consistent with the
24 requirements of this section, the plan shall take effect immediately.

25 (c) If the superior court determines the plan does not meet the
26 requirements of this section, in whole or in part, it shall remand the
27 plan for further or corrective action within a specified and reasonable
28 time period.

29 (d) If the superior court finds that any request for review is
30 frivolous or has been filed solely for purposes of harassment or delay,
31 it may impose appropriate sanctions on the party requesting review,
32 including payment of attorneys' fees and costs to the respondent
33 municipal corporation, county, or district.

34 (7) As provided under RCW 53.16.015, the county legislative
35 authority of a county with a population of one million or more in which
36 a port district is located that is coextensive with the boundaries of
37 the county shall redraw port commissioner district boundaries.

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