

SSB 5704 - S AMD 1
By Senator Swecker

ADOPTED 02/09/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 85.38.090 and 1991 c 349 s 12 are each amended to
4 read as follows:

5 (1) Whenever the governing body of a special district has more than
6 three members, the governing body shall be reduced to three members as
7 of January 1, 1986, by eliminating the positions of those district
8 governing body members with the shortest remaining terms of office.
9 The remaining three governing body members shall have staggered terms
10 with the one having the shortest remaining term having his or her
11 position filled at the 1987 special district general election, the one
12 with the next shortest remaining term having his or her position filled
13 at the 1989 special district general election, and the one with the
14 longest remaining term having his or her position filled at the 1992
15 special district general election. If any of these remaining three
16 governing body members have identical remaining terms of office, the
17 newly calculated remaining terms of these persons shall be determined
18 by lot with the county auditor who assists the special district in its
19 elections managing such lot procedure. The newly established terms
20 shall be recorded by the county auditor.

21 (2) However, whenever five or more special districts have
22 consolidated under chapter 85.36 RCW and the consolidated district has
23 five members in its governing body on July 28, 1985, the consolidated
24 district may adopt a resolution retaining a five-member governing body.
25 At any time thereafter, such a district may adopt a resolution and
26 reduce the size of the governing body to three members with the
27 reduction occurring as provided in subsection (1) of this section, but
28 the years of the effective dates shall be extended so that the
29 reduction occurs at the next January 1st occurring after the date of
30 the adoption of the resolution. Whenever a special district is so

1 governed by a five-member governing body, two members shall be elected
2 at each of two consecutive special district general elections, and one
3 member shall be elected at the following special district general
4 election, each to serve a six-year staggered term.

5 (3) Subsections (1) and (2) of this section do not apply to flood
6 districts that contain three or more counties.

7 NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW
8 to read as follows:

9 The following applies to flood districts that contain three or more
10 counties:

11 (1) The governing body shall include one member from each county
12 and two additional governing members. No more than two governing
13 members may be from one county.

14 (2) The initial members of the governing body must be chosen by
15 each county legislative authority, with each county choosing one
16 member, and the counties with the two largest populations within the
17 special flood district choosing one member each. These initial
18 governing body members shall serve until their successors are elected
19 and qualified at the next special district general election.

20 (3) At this first election, the members receiving the two greatest
21 number of votes shall serve six-year terms, the members receiving the
22 third and fourth greatest number of votes shall serve four-year terms,
23 and the remaining members shall serve two-year terms of office.

24 (4) The requirements for the filing period and method for filing
25 declarations of candidacy for the governing body of the district and
26 the arrangement of candidate names on the ballot for all special
27 district elections conducted after the initial election in the district
28 shall be the same as the requirements for the initial election in the
29 district. No primary elections may be held for the governing body of
30 a special district.

31 (5)(a) Whenever a vacancy occurs in the governing body, the
32 legislative authority of the county within which the largest portion of
33 the special flood district is located shall appoint a district voter to
34 serve until a person is elected, at the next special district general
35 election occurring sixty or more days after the vacancy has occurred,
36 to serve the remainder of the unexpired term. The person so elected

1 shall take office immediately when qualified as defined in RCW
2 29A.04.133.

3 (b) If an election for the position which became vacant would
4 otherwise have been held at this special district election, only one
5 election shall be held and the person elected to fill the succeeding
6 term for that position shall take office immediately when qualified as
7 defined in RCW 29A.04.133 and shall serve both the remainder of the
8 unexpired term and the succeeding term. A vacancy occurs upon the
9 death, resignation, or incapacity of a governing body member or
10 whenever the governing body member ceases being a qualified voter of
11 the special district.

12 (6) An elected or appointed member of a special district governing
13 body, or a candidate for a special district governing body, must be a
14 qualified voter of the special district: PROVIDED, That the state, its
15 agencies and political subdivisions, or their designees under RCW
16 85.38.010(3) shall not be eligible for election or appointment."

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17 On page 1, line 2 of the title, after "counties;" strike the
18 remainder of the title and insert "amending RCW 85.38.090; and adding
19 a new section to chapter 85.38 RCW."

EFFECT: Returns the bill to its original form by removing
provisions addressing flood districts that may abut or materially
impact tribal lands.

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