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SENATE BILL 5747

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State of Washington

63rd Legislature

2013 Regular Session

By Senator Roach

Read first time 02/13/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to election of public hospital district boards of  
2 commissioners; amending RCW 70.44.040 and 70.44.054; and adding a new  
3 section to chapter 70.44 RCW.

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

5 **Sec. 1.** RCW 70.44.040 and 2006 c 322 s 1 are each amended to read  
6 as follows:

7 (1) The provisions of Title 29A RCW relating to elections (~~shall~~)  
8 govern public hospital (~~districts~~) district elections, except as  
9 provided in this chapter.

10 (2) A public hospital district shall be created when the ballot  
11 proposition authorizing the creation of the district is approved by a  
12 simple majority vote of the voters of the proposed district voting on  
13 the proposition and the total vote cast upon the proposition exceeds  
14 forty percent of the total number of votes cast in the proposed  
15 district at the preceding state general election.

16 (3)(a) A public hospital district initially may be created with  
17 three, five, or seven commissioner districts.

18 (b) At the election at which the proposition is submitted to the  
19 voters as to whether a district shall be formed, three, five, or seven

1 commissioners shall be elected from either three, five, or seven  
2 commissioner districts, or at-large positions, or both, as determined  
3 by resolution of the county commissioners of the county or counties in  
4 which the proposed public hospital district is located, ~~((all))~~ in  
5 accordance with RCW 70.44.054. The election of the initial  
6 commissioners ~~((shall be))~~ is null and void if the district is not  
7 authorized ~~((to be created))~~ as provided in subsection (2) of this  
8 section.

9 (c) No primary ~~((shall be))~~ is held. A special filing period  
10 ~~((shall))~~ must be opened as provided in RCW 29A.24.171 and 29A.24.181.  
11 The person receiving the greatest number of votes for ~~((the))~~  
12 commissioner of each commissioner district or at-large position ~~((shall~~  
13 ~~be))~~ is elected as the commissioner of that district or at-large  
14 position.

15 (d) The terms of office of the initial public hospital district  
16 commissioners ~~((shall))~~ must be staggered, with the length of the terms  
17 assigned so that the person or persons who are elected receiving the  
18 greater number of votes ~~((being))~~ are assigned a longer term or terms  
19 of office ~~((and)).~~ Each term of an initial commissioner ((running))  
20 runs until a successor assumes office who is elected at one of the next  
21 three following district general elections the first of which occurs at  
22 least one hundred twenty days after the date of the election where  
23 voters approved the ballot proposition creating the district~~((7)).~~  
24 Elections occur as follows:

25 ~~((a))~~ (i) If the public hospital district will have three  
26 commissioners, the successor to one initial commissioner ~~((shall))~~ must  
27 be elected at ~~((such))~~ the first following district general election,  
28 the successor to one initial commissioner ~~((shall))~~ must be elected at  
29 the second following district general election, and the successor to  
30 one initial commissioner ~~((shall))~~ must be elected at the third  
31 following district general election;

32 ~~((b))~~ (ii) If the public hospital district will have five  
33 commissioners, the successor to one initial commissioner ~~((shall))~~ must  
34 be elected at ~~((such))~~ the first following district general election,  
35 the successors to two initial commissioners ~~((shall))~~ must be elected  
36 at the second following district general election, and the successors  
37 to two initial commissioners ~~((shall))~~ must be elected at the third  
38 following district general election;

1       (~~(e)~~) (iii) If the public hospital district will have seven  
2 commissioners, the successors to two initial commissioners (~~(shall)~~)  
3 must be elected at (~~(such)~~) the first following district general  
4 election, the successors to two initial commissioners (~~(shall)~~) must be  
5 elected at the second following district general election, and the  
6 successors to three initial commissioners (~~(shall)~~) must be elected at  
7 the third following district general election.

8       (e) The initial commissioners (~~(shall)~~) must take office  
9 immediately when they are elected and qualified. The term of office of  
10 each successor (~~(shall be)~~) is six years. Each commissioner (~~(shall)~~)  
11 serves until a successor is elected and qualified and assumes office in  
12 accordance with RCW 29A.20.040.

13       (~~(2)~~) (4) Only a registered voter who resides in a commissioner  
14 district may be a candidate for, or hold office as, a commissioner  
15 (~~(of)~~) representing the commissioner district. Voters of the entire  
16 public hospital district may vote at a primary or general election to  
17 elect a person as a commissioner (~~(of the)~~) representing a commissioner  
18 district, or to elect a person as an at-large commissioner, unless the  
19 public hospital district has opted to establish the election system  
20 specified in section 3 of this act.

21       (5) If the proposed public hospital district initially will have  
22 three commissioner districts and the public hospital district is  
23 countywide, and if the county has three county legislative authority  
24 districts, the county legislative authority districts (~~(shall)~~) must be  
25 used as public hospital district commissioner districts. In all other  
26 instances, the county auditor of the county in which all or the largest  
27 portion of the proposed public hospital district is located (~~(shall)~~)  
28 must draw the initial public hospital district commissioner districts  
29 and designate at-large positions, if appropriate, as provided in RCW  
30 70.44.054. Each of the commissioner positions (~~(shall)~~) must be  
31 numbered consecutively and associated with the commissioner district or  
32 at-large position of the same number.

33       (6) The commissioners of a public hospital district that is not  
34 coterminous with the boundaries of a county that has three county  
35 legislative authority districts (~~(shall)~~) must at the times required in  
36 chapter 29A.76 RCW and may from time to time redraw commissioner  
37 district boundaries in a manner consistent with chapter 29A.76 RCW.

1           (~~(3)~~) (7) No person may hold office as a commissioner while  
2 serving as an employee of the public hospital district.

3           **Sec. 2.** RCW 70.44.054 and 1997 c 99 s 4 are each amended to read  
4 as follows:

5           (1) In accordance with RCW 70.44.040, only a registered voter who  
6 resides in a commissioner district of a public hospital district may be  
7 a candidate for, or hold office as, a commissioner representing the  
8 commissioner district. Voters of the entire public hospital district  
9 may vote at a primary or general election to elect a person as a  
10 commissioner representing a commissioner district, or to elect a person  
11 as an at-large commissioner, unless the public hospital district has  
12 opted to establish the election system specified in section 3 of this  
13 act.

14           (2) If the voters of (~~the~~) a public hospital district approve  
15 (~~the~~) a ballot proposition authorizing (~~the~~) an increase in the  
16 number of commissioners to either five or seven members, the additional  
17 commissioners (~~shall~~) must be elected at large from the entire public  
18 hospital district(~~;~~ ~~provided that~~)). However, the board of  
19 commissioners of the public hospital district may, by resolution,  
20 redistrict the public hospital district into five commissioner  
21 districts if the district has five commissioners, or seven commissioner  
22 districts if the district has seven commissioners. The board of  
23 commissioners (~~shall~~) must draw the boundaries of each commissioner  
24 district to include as nearly as possible equal portions of the total  
25 population of the public hospital district.

26           If the board of commissioners increases the number of commissioner  
27 districts as provided in this section, one commissioner (~~shall~~) must  
28 be elected from each commissioner district, and no commissioner may be  
29 elected from a commissioner district in which another commissioner  
30 resides.

31           NEW SECTION. **Sec. 3.** A new section is added to chapter 70.44 RCW  
32 to read as follows:

33           (1) The board of commissioners of a public hospital district with  
34 a population exceeding two hundred eighty-five thousand persons, as  
35 determined by estimates compiled by the office of financial management,  
36 may, by resolution:

1 (a) Establish commissioner districts within the public hospital  
2 district that conform with criteria specified in RCW 29A.76.010; and

3 (b) Provide that each member of the board of commissioners will be  
4 nominated in a primary and elected in a general election solely by  
5 voters in the member's commissioner district, rather than by voters in  
6 the entire public hospital district.

7 (2) A resolution adopted pursuant to subsection (1) of this section  
8 may not reduce the term of a commissioner serving in office at the time  
9 that the resolution is adopted. Subsequently, elected commissioners  
10 must be elected from the commissioner districts in which they reside.  
11 One commissioner must be elected from each commissioner district, and  
12 no commissioner may be elected from a commissioner district in which  
13 another commissioner resides.

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