

SSB 5437 - H COMM AMD  
By Committee on Local Government

ADOPTED 04/06/2023

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

3 "Sec. 1. RCW 42.12.070 and 2013 c 11 s 89 are each amended to  
4 read as follows:

5 A vacancy on an elected nonpartisan governing body of a  
6 qualifying special purpose district (~~where property ownership is not~~  
7 ~~a qualification to vote~~), a town, or a city other than a first-class  
8 city or a charter code city, shall be filled as follows unless the  
9 provisions of law relating to the qualifying special purpose  
10 district, town, or city provide otherwise:

11 (1) Where one position is vacant, the remaining members of the  
12 governing body shall appoint a qualified person to fill the vacant  
13 position.

14 (2) Where two or more positions are vacant and two or more  
15 members of the governing body remain in office, the remaining members  
16 of the governing body shall appoint a qualified person to fill one of  
17 the vacant positions, the remaining members of the governing body and  
18 the newly appointed person shall appoint another qualified person to  
19 fill another vacant position, and so on until each of the vacant  
20 positions is filled with each of the new appointees participating in  
21 each appointment that is made after his or her appointment.

22 (3) If less than two members of a governing body remain in  
23 office, the county legislative authority of the county in which all  
24 or the largest geographic portion of the city, town, or qualifying  
25 special purpose district is located shall appoint a qualified person  
26 or persons to the governing body until the governing body has two  
27 members.

28 (4) If a governing body fails to appoint a qualified person to  
29 fill a vacancy within ninety days of the occurrence of the vacancy,  
30 the authority of the governing body to fill the vacancy shall cease  
31 and the county legislative authority of the county in which all or  
32 the largest geographic portion of the city, town, or qualifying

1 special purpose district is located shall appoint a qualified person  
2 to fill the vacancy.

3 (5) If the county legislative authority of the county fails to  
4 appoint a qualified person within one hundred eighty days of the  
5 occurrence of the vacancy, the county legislative authority or the  
6 remaining members of the governing body of the city, town, or  
7 qualifying special purpose district may petition the governor to  
8 appoint a qualified person to fill the vacancy. The governor may  
9 appoint a qualified person to fill the vacancy after being petitioned  
10 if at the time the governor fills the vacancy the county legislative  
11 authority has not appointed a qualified person to fill the vacancy.

12 (6) As provided in chapter 29A.24 RCW, each person who is  
13 appointed shall serve until a qualified person is elected at the next  
14 election at which a member of the governing body normally would be  
15 elected. The person elected shall take office immediately and serve  
16 the remainder of the unexpired term.

17 (7) For purposes of this section, "qualifying special purpose  
18 district" means a fire protection district created under chapter  
19 52.02 RCW with assessed values under \$5,000,000,000, a regional fire  
20 protection service authority created under chapter 52.26 RCW with  
21 assessed values under \$5,000,000,000, and a water-sewer district  
22 created under chapter 57.12 RCW with assessed values under  
23 \$5,000,000,000.

24 NEW SECTION. Sec. 2. A new section is added to chapter 42.12  
25 RCW to read as follows:

26 A vacancy on an elected nonpartisan governing body of a special  
27 purpose district where property ownership is not a qualification to  
28 vote or that is not a qualifying special purpose district defined in  
29 RCW 42.12.070, shall be filled as follows unless the provisions of  
30 law relating to the special purpose district provide otherwise:

31 (1) After a vacancy occurs, the remaining members of the  
32 governing body must nominate at least one candidate at a meeting of  
33 the governing body. The governing body must then cause notice of the  
34 vacancy and the name of the nominated candidate or candidates to be  
35 posted in three public places in the special purpose district,  
36 including on the district's website if the district has a website,  
37 for a minimum of 15 days. During the notice period, registered voters  
38 who reside in the special purpose district may submit nominations to  
39 the remaining members of the governing body.

1 (2) After the notice period described in subsection (1) of this  
2 section, the remaining members of the governing body shall appoint a  
3 qualified person to fill the vacant position from the candidates  
4 nominated by either the governing body or the public at a meeting of  
5 the governing body.

6 (3) Where two or more positions are vacant and two or more  
7 members of the governing body remain in office, the remaining members  
8 of the governing body shall appoint a qualified person to fill one of  
9 the vacant positions under the nomination process described in  
10 subsection (1) of this section, the remaining members of the  
11 governing body and the newly appointed person shall appoint another  
12 qualified person to fill another vacant position under the nomination  
13 process described in subsection (1) of this section, and so on until  
14 each of the vacant positions is filled with each of the new  
15 appointees participating in each appointment that is made after his  
16 or her appointment.

17 (4) If less than two members of a governing body remain in  
18 office, the county legislative authority of the county in which all  
19 or the largest geographic portion of the special purpose district is  
20 located shall appoint a qualified person or persons to the governing  
21 body until the governing body has two members.

22 (5) If a governing body fails to appoint a qualified person to  
23 fill a vacancy within 90 days of the occurrence of the vacancy, the  
24 authority of the governing body to fill the vacancy shall cease and  
25 the county legislative authority of the county in which all or the  
26 largest geographic portion of the special purpose district is located  
27 shall appoint a qualified person to fill the vacancy.

28 (6) If the county legislative authority of the county fails to  
29 appoint a qualified person within 180 days of the occurrence of the  
30 vacancy, the county legislative authority or the remaining members of  
31 the governing body of the special purpose district may petition the  
32 governor to appoint a qualified person to fill the vacancy. The  
33 governor may appoint a qualified person to fill the vacancy after  
34 being petitioned if at the time the governor fills the vacancy the  
35 county legislative authority has not appointed a qualified person to  
36 fill the vacancy.

37 (7) As provided in chapter 29A.24 RCW, each person who is  
38 appointed shall serve until a qualified person is elected at the next  
39 election at which a member of the governing body normally would be

1 elected. The person elected shall take office immediately and serve  
2 the remainder of the unexpired term.

3 **Sec. 3.** RCW 43.06.010 and 2014 c 202 s 305 are each amended to  
4 read as follows:

5 In addition to those prescribed by the Constitution, the governor  
6 may exercise the powers and perform the duties prescribed in this and  
7 the following sections:

8 (1) The governor shall supervise the conduct of all executive and  
9 ministerial offices;

10 (2) The governor shall see that all offices are filled, including  
11 as provided in RCW 42.12.070 and section 2 of this act, and the  
12 duties thereof performed, or in default thereof, apply such remedy as  
13 the law allows; and if the remedy is imperfect, acquaint the  
14 legislature therewith at its next session;

15 (3) The governor shall make the appointments and supply the  
16 vacancies mentioned in this title;

17 (4) The governor is the sole official organ of communication  
18 between the government of this state and the government of any other  
19 state or territory, or of the United States;

20 (5) Whenever any suit or legal proceeding is pending against this  
21 state, or which may affect the title of this state to any property,  
22 or which may result in any claim against the state, the governor may  
23 direct the attorney general to appear on behalf of the state, and  
24 report the same to the governor, or to any grand jury designated by  
25 the governor, or to the legislature when next in session;

26 (6) The governor may require the attorney general or any  
27 prosecuting attorney to inquire into the affairs or management of any  
28 corporation existing under the laws of this state, or doing business  
29 in this state, and report the same to the governor, or to any grand  
30 jury designated by the governor, or to the legislature when next in  
31 session;

32 (7) The governor may require the attorney general to aid any  
33 prosecuting attorney in the discharge of the prosecutor's duties;

34 (8) The governor may offer rewards, not exceeding one thousand  
35 dollars in each case, payable out of the state treasury, for  
36 information leading to the apprehension of any person convicted of a  
37 felony who has escaped from a state correctional institution or for  
38 information leading to the arrest of any person who has committed or  
39 is charged with the commission of a felony;

1 (9) The governor shall perform such duties respecting fugitives  
2 from justice as are prescribed by law;

3 (10) The governor shall issue and transmit election proclamations  
4 as prescribed by law;

5 (11) The governor may require any officer or board to make, upon  
6 demand, special reports to the governor, in writing;

7 (12) The governor may, after finding that a public disorder,  
8 disaster, energy emergency, or riot exists within this state or any  
9 part thereof which affects life, health, property, or the public  
10 peace, proclaim a state of emergency in the area affected, and the  
11 powers granted the governor during a state of emergency shall be  
12 effective only within the area described in the proclamation;

13 (13) The governor may, after finding that there exists within  
14 this state an imminent danger of infestation of plant pests as  
15 defined in RCW 17.24.007 or plant diseases which seriously endangers  
16 the agricultural or horticultural industries of the state of  
17 Washington, or which seriously threatens life, health, or economic  
18 well-being, order emergency measures to prevent or abate the  
19 infestation or disease situation, which measures, after thorough  
20 evaluation of all other alternatives, may include the aerial  
21 application of pesticides;

22 (14) The governor, after finding that a prohibited level 1 or  
23 level 2 species as defined in chapter 77.135 RCW has been detected  
24 and after finding that the detected species seriously endangers or  
25 threatens the environment, economy, human health, or well-being of  
26 the state of Washington, may order emergency measures to prevent or  
27 abate the prohibited species, which measures, after thorough  
28 evaluation of all other alternatives, may include the surface or  
29 aerial application of pesticides;

30 (15) On all compacts forwarded to the governor pursuant to RCW  
31 9.46.360(6), the governor is authorized and empowered to execute on  
32 behalf of the state compacts with federally recognized Indian tribes  
33 in the state of Washington pursuant to the federal Indian Gaming  
34 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
35 gaming, as defined in the Act, on Indian lands.

36 **Sec. 4.** RCW 70.44.056 and 2015 c 53 s 94 are each amended to  
37 read as follows:

38 In all existing public hospital districts in which an increase in  
39 the number of district commissioners is proposed, the additional

1 commissioner positions shall be deemed to be vacant and the board of  
2 commissioners of the public hospital district shall appoint qualified  
3 persons to fill those vacancies in accordance with (~~RCW 42.12.070~~)  
4 section 2 of this act.

5 Each person who is appointed shall serve until a qualified person  
6 is elected at the next general election of the district occurring one  
7 hundred twenty days or more after the date of the election at which  
8 the voters of the district approved the ballot proposition  
9 authorizing the increase in the number of commissioners. If needed,  
10 special filing periods shall be authorized as provided in RCW  
11 29A.24.171 and 29A.24.181 for qualified persons to file for the  
12 vacant office. A primary shall be held to nominate candidates if  
13 sufficient time exists to hold a primary and more than two candidates  
14 file for the vacant office. Otherwise, no primary shall be held and  
15 the candidate receiving the greatest number of votes for each  
16 position shall be elected. Except for the initial terms of office,  
17 persons elected to each of these additional commissioner positions  
18 shall be elected to a six-year term. The newly elected commissioners  
19 shall assume office as provided in RCW 29A.60.280.

20 The initial terms of the new commissioners shall be staggered as  
21 follows: (1) When the number of commissioners is increased from three  
22 to five, the person elected receiving the greatest number of votes  
23 shall be elected to a six-year term of office, and the other person  
24 shall be elected to a four-year term; (2) when the number of  
25 commissioners is increased from three or five to seven, the terms of  
26 the new commissioners shall be staggered over the next three district  
27 general elections so that two commissioners will be elected at the  
28 first district general election following the election where the  
29 additional commissioners are elected, two commissioners will be at  
30 the second district general election after the election of the  
31 additional commissioners, and three commissioners will be elected at  
32 the third district general election following the election of the  
33 additional commissioners, with the persons elected receiving the  
34 greatest number of votes elected to serve the longest terms."

35 Correct the title.

EFFECT: Adds a regional fire protection service authority with  
assessed values under \$5,000,000,000 to the definition of qualifying

special purpose district. Corrects a statutory reference for the formation of fire protection districts.

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