

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1271

55th Legislature
1997 Regular Session

Passed by the House February 21, 1997
Yeas 95 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1997
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1271** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1271

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives L. Thomas, Scott, D. Sommers, Dunshee, Doumit, Mulliken, Gardner, Wensman and D. Schmidt)

Read first time 02/11/97.

1 AN ACT Relating to public hospital district elections; amending RCW
2 70.44.040, 70.44.042, and 70.44.053; adding new sections to chapter
3 70.44 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 70.44.040 and 1994 c 223 s 78 are each amended to read
6 as follows:

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

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

15 A public hospital district initially may be created with three,
16 five, or seven commissioner districts. At the election at which the
17 proposition is submitted to the voters as to whether a district shall
18 be formed, three, five, or seven commissioners shall be elected from
19 either three, five, or seven commissioner districts, or at-large

1 positions, or both, as determined by resolution of the county
2 commissioners of the county or counties in which the proposed public
3 hospital district is located, all in accordance with section 4 of this
4 act. The election of the initial commissioners shall be null and void
5 if the district is not authorized to be created.

6 No primary shall be held. A special filing period shall be opened
7 as provided in RCW 29.15.170 and 29.15.180. The person receiving the
8 greatest number of votes for the commissioner of each commissioner
9 district or at-large position shall be elected as the commissioner of
10 that district. The terms of office of the initial public hospital
11 district commissioners shall be staggered, with the length of the terms
12 assigned so that the person or persons who are elected receiving the
13 greater number of votes being assigned a longer term or terms of office
14 and each term of an initial commissioner running until a successor
15 assumes office who is elected at one of the next three following
16 district general elections the first of which occurs at least one
17 hundred twenty days after the date of the election where voters
18 approved the ballot proposition creating the district, as follows:

19 (a) (~~The person who is elected receiving the greatest number of~~
20 ~~votes shall be elected to a six year term of office if the election is~~
21 ~~held in an odd numbered year or a five year term of office if the~~
22 ~~election is held in an even numbered year; (b) the person who is~~
23 ~~elected receiving the next greatest number of votes shall be elected to~~
24 ~~a four year term of office if the election is held in an odd numbered~~
25 ~~year or a three year term of office if the election is held in an even-~~
26 ~~numbered year; and (c) the other person who is elected shall be elected~~
27 ~~to a two year term of office if the election is held in an odd numbered~~
28 ~~year or a one year term of office if the election is held in an even-~~
29 ~~numbered year)) If the public hospital district will have three
30 commissioners, the successor to one initial commissioner shall be
31 elected at such first following district general election, the
32 successor to one initial commissioner shall be elected at the second
33 following district general election, and the successor to one initial
34 commissioner shall be elected at the third following district general
35 election;~~

36 (b) If the public hospital district will have five commissioners,
37 the successor to one initial commissioner shall be elected at such
38 first following district general election, the successors to two
39 initial commissioners shall be elected at the second following district

1 general election, and the successors to two initial commissioners shall
2 be elected at the third following district general election;

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

9 The initial commissioners shall take office immediately when they
10 are elected and qualified(~~(, but the length of such terms shall be~~
11 ~~computed from the first day of January in the year following this~~
12 ~~election)).~~ The term of office of each successor shall be six years.
13 Each commissioner shall serve until a successor is elected and
14 qualified and assumes office in accordance with RCW 29.04.170.

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

23 If the proposed public hospital district initially will have three
24 commissioner districts and the public hospital district is county-wide,
25 and if the county has three county legislative authority districts, the
26 county legislative authority districts shall be used as public hospital
27 district commissioner districts. In all other instances the county
28 auditor of the county in which all or the largest portion of the
29 proposed public hospital district is located shall draw the initial
30 ~~((three))~~ public hospital district commissioner districts(~~(, each of~~
31 ~~which shall constitute as nearly as possible one third of the total~~
32 ~~population of the proposed public hospital district and number the~~
33 ~~districts one, two, and three)) and designate at-large positions, if
34 appropriate, as provided in section 4 of this act. Each of the
35 ~~((three))~~ commissioner positions shall be numbered ~~((one through~~
36 ~~three))~~ consecutively and associated with the commissioner district or
37 at-large position of the same number.~~

38 ~~((The public hospital district commissioners may redraw~~
39 ~~commissioner districts, if the public hospital district has boundaries~~

1 ~~that are not coterminous with the boundaries of a county with three~~
2 ~~county legislative authority districts, so that each district comprises~~
3 ~~as nearly as possible one third of the total population of the public~~
4 ~~hospital district.))~~ The commissioners of a public hospital district
5 that is not coterminous with the boundaries of a county that has three
6 county legislative authority districts shall at the times required in
7 chapter 29.70 RCW and may from time to time redraw ((~~hospital~~
8 ~~district~~)) commissioner district boundaries ((~~as provided~~)) in a manner
9 consistent with chapter 29.70 RCW.

10 **Sec. 2.** RCW 70.44.042 and 1967 c 227 s 2 are each amended to read
11 as follows:

12 Notwithstanding any provision in RCW 70.44.040 to the contrary, any
13 board of public hospital district commissioners may, by resolution,
14 abolish commissioner districts and permit candidates for any position
15 on the board to reside anywhere in the public hospital district.

16 At any general or special election which may be called for that
17 purpose, the board of public hospital district commissioners may, or on
18 petition of ten percent of the voters based on the total vote cast in
19 the last district general election in the public hospital district
20 shall, by resolution, submit to the voters of the district the
21 proposition to reestablish commissioner districts.

22 **Sec. 3.** RCW 70.44.053 and 1994 c 223 s 80 are each amended to read
23 as follows:

24 At any general or special election which may be called for that
25 purpose the board of public hospital district commissioners may, or on
26 petition of ten percent of the voters based on the total vote cast in
27 the last district general election in the public hospital district
28 shall, by resolution, submit to the voters of the district the
29 proposition increasing the number of commissioners to either five or
30 seven members. The petition or resolution shall specify whether it is
31 proposed to increase the number of commissioners to either five or
32 seven members.

33 ~~((If the voters of the district approve the ballot proposition~~
34 ~~authorizing the increase in the number of commissioners to either five~~
35 ~~or seven members, the board of commissioners shall redistrict the~~
36 ~~public hospital district into the appropriate number of commissioner~~
37 ~~districts. The additional commissioners shall be elected from~~

1 commissioner districts in which no existing commissioner resides at the
2 next state general election occurring one hundred twenty days or more
3 after the date of the election at which the voters of the district
4 approved the ballot proposition authorizing the increase in the number
5 of commissioners. If needed, special filing periods shall be
6 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified
7 persons to file for the vacant office. A primary shall be held to
8 nominate candidates if sufficient time exists to hold a primary and
9 more than two candidates file for the vacant office. Otherwise, a
10 primary shall not be held and the candidate receiving the greatest
11 number of votes for each position shall be elected. Except for the
12 initial terms of office, persons elected to each of these additional
13 commissioner positions shall be elected to a six year term.

14 Where the number of commissioners is increased from three to five,
15 the initial terms of the two new commissioners shall be staggered so
16 that the person who is elected receiving the greatest number of votes
17 shall be elected to a six year term of office if the election is held
18 in an odd numbered year or a five year term if the election is held in
19 an even numbered year, and the other person elected shall be elected to
20 a four year term of office if the election is held in an odd numbered
21 year or a three year term if the election is held in an even numbered
22 year. The newly elected commissioners shall assume office as provided
23 in RCW 29.04.170.

24 Where the number of commissioners is increased from three or five
25 to seven, the county auditor of the county in which all or the largest
26 portion of the hospital district is located shall cause the initial
27 terms of office of the additional commissioners to be staggered over
28 the next three district general elections so that two commissioners
29 would normally be elected at the first district general election
30 following the election where the additional commissioners are elected,
31 two commissioners are normally elected at the second district general
32 election after the election of the additional commissioners, and three
33 commissioners are normally elected at the third district general
34 election following the election of the additional commissioners. The
35 newly elected commissioners shall assume office as provided in RCW
36 29.04.170.))

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.44 RCW
38 to read as follows:

1 If the voters of the district approve the ballot proposition
2 authorizing the increase in the number of commissioners to either five
3 or seven members, the additional commissioners shall be elected at
4 large from the entire district; provided that, the board of
5 commissioners of the district may by resolution redistrict the public
6 hospital district into five commissioner districts if the district has
7 five commissioners or seven commissioner districts if the district has
8 seven commissioners. The board of commissioners shall draw the
9 boundaries of each commissioner district to include as nearly as
10 possible equal portions of the total population of the public hospital
11 district.

12 If the board of commissioners increases the number of commissioner
13 districts as provided in this section, one commissioner shall be
14 elected from each commissioner district, and no commissioner may be
15 elected from a commissioner district in which another commissioner
16 resides.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.44 RCW
18 to read as follows:

19 In all existing public hospital districts in which an increase in
20 the number of district commissioners is proposed, the additional
21 commissioner positions shall be deemed to be vacant and the board of
22 commissioners of the public hospital district shall appoint qualified
23 persons to fill those vacancies in accordance with RCW 42.12.070.

24 Each person who is appointed shall serve until a qualified person
25 is elected at the next general election of the district occurring one
26 hundred twenty days or more after the date of the election at which the
27 voters of the district approved the ballot proposition authorizing the
28 increase in the number of commissioners. If needed, special filing
29 periods shall be authorized as provided in RCW 29.15.170 and 29.15.180
30 for qualified persons to file for the vacant office. A primary shall
31 be held to nominate candidates if sufficient time exists to hold a
32 primary and more than two candidates file for the vacant office.
33 Otherwise, no primary shall be held and the candidate receiving the
34 greatest number of votes for each position shall be elected. Except
35 for the initial terms of office, persons elected to each of these
36 additional commissioner positions shall be elected to a six-year term.
37 The newly elected commissioners shall assume office as provided in RCW
38 29.04.170.

1 The initial terms of the new commissioners shall be staggered as
2 follows: (1) When the number of commissioners is increased from three
3 to five, the person elected receiving the greatest number of votes
4 shall be elected to a six-year term of office, and the other person
5 shall be elected to a four-year term; (2) when the number of
6 commissioners is increased from three or five to seven, the terms of
7 the new commissioners shall be staggered over the next three district
8 general elections so that two commissioners will be elected at the
9 first district general election following the election where the
10 additional commissioners are elected, two commissioners will be at the
11 second district general election after the election of the additional
12 commissioners, and three commissioners will be elected at the third
13 district general election following the election of the additional
14 commissioners, with the persons elected receiving the greatest number
15 of votes elected to serve the longest terms.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.44 RCW
17 to read as follows:

18 If, as the result of redrawing the boundaries of commissioner
19 districts as permitted or required under the provisions of this
20 chapter, chapter 29.70 RCW, or any other statute, more than the correct
21 number of commissioners who are associated with commissioner districts
22 reside in the same commissioner district, a commissioner or
23 commissioners residing in that redrawn commissioner district equal in
24 number to the number of commissioners in excess of the correct number
25 shall be assigned to the drawn commissioner district or districts in
26 which less than the correct number of commissioners associated with
27 commissioner districts reside. The commissioner or commissioners who
28 are so assigned shall be those with the shortest unexpired term or
29 terms of office, but if the number of such commissioners with the same
30 terms of office exceeds the number that are to be assigned, the board
31 of commissioners shall select by lot from those commissioners which one
32 or ones are assigned. A commissioner who is so assigned shall be
33 deemed to be a resident of the commissioner district to which he or she
34 is assigned for purposes of determining whether a position is vacant.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.44 RCW
36 to read as follows:

1 No appointment to fill a vacant position on or election to the
2 board of commissioners of any public hospital district made after June
3 9, 1994, and before the effective date of this act is deemed to be
4 invalid solely due to the public hospital district's failure to redraw
5 its commissioner district boundaries if necessary to comply with
6 chapter 223, Laws of 1994.

7 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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