

The Statute Law Committee in reviewing Title 45 of the Revised Code of Washington has noted this instance where session law sections have been divided and combined into two or more RCW sections and the legislature has subsequently amended one or more, but less than all, of the RCW sections derived from the session law sections. This bill is designed to reenact such RCW sections, thereby ratifying the division and combination of the session law sections and correcting any possible defect arising from the former amendment of less than the whole session law sections.

Explanatory  
note.

In all sections the RCW language (which conforms to session law language for the most part) is used as the basic language.

Sec. 5. The title of chapter 47, Laws of 1909 and the amendatory phrase for sec. 3, thereof purportedly amended 1895 c 175 sec. 18 while the session law section set out (as provided in the Constitution, Art. 2, sec. 37) was 1895 c 175 sec. 19. To cure this manifest clerical error, sec. 19 as subsequently amended is reenacted as sec. 2 of this bill and sec. 18 is reenacted as sec. 5.

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## CHAPTER 17.

[ H. B. 9. ]

### PORT DISTRICT COMMISSIONERS.

AN ACT relating to port districts; repealing and reenacting in revised form section 3, chapter 92, Laws of 1911, section 2, chapter 62, Laws of 1913, section 2, chapter 69, Laws of 1951 and sections 1 and 2, chapter 198, Laws of 1953, codifying said sections as RCW 53.04.060, 53.12.010, 53.12.020, 53.12.050, 53.04.070, 53.12.040, 53.12.150, 53.12.140, 53.12.120, 53.12.130, and 53.08.210; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 3, chapter 92, Laws of 1911, section 2, chapter 62, Laws of 1913, section 2, chapter 69, Laws of 1951 and sections 1 and 2, chapter 198, Laws of 1953, are repealed and reenacted as herein revised and set forth in sections 2 through 12 of this act.

Session laws,  
repealed,  
reenacted.

SEC. 2. (RCW 53.04.060) Within five days after an election held under the provisions of RCW 53.04-.020, the board of county commissioners shall canvass the returns, and if at such election a majority of the voters voting upon the proposition shall vote in favor of the formation of the district, the board of county commissioners shall so declare in its canvass of the returns of such election, and the port district shall then be and become a municipal corporation of the

RCW 53.04.060.  
Returns can-  
vassed—Port  
established.

state of Washington and the name of such port district shall be "Port of ....." (inserting the name appearing on the ballot).

RCW 53.12.010.  
Port commis-  
sion—Mem-  
bers.

SEC. 3. (RCW 53.12.010) The powers of the port district shall be exercised through a port commission consisting of three members, one from each of the three county commissioner districts of the county in which the port district is located, when the port district is coextensive with the limits of such county. When the port district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having commissioners at large as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

RCW 53.12.020.  
Port commis-  
sioner—Quali-  
fications.

SEC. 4. (RCW 53.12.020) No person shall be eligible to hold the office of port commissioner unless he is a qualified voter, a freeholder within such port district, and is and has been a resident for a period of three years, of the commissioner district from which he is elected: *Provided*, That residence requirements for commissioners at large shall be as set forth in RCW 53.12.120.

Note: See also section 1, chapter 175, Laws of 1959.

RCW 53.12.050.  
First com-  
missioners—  
Election.

SEC. 5. (RCW 53.12.050) At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three commissioners shall be elected to hold office as provided by law. All candidates shall be voted upon by the entire port district.

RCW 53.04.070.

SEC. 6. (RCW 53.04.070) All expenses of elections for the formation of such port districts shall be paid

by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the port district, if formed.

Election  
expenses—  
Repayment.

SEC. 7. (RCW 53.12.040) Except as provided in RCW 53.12.030, port commissioners shall be nominated by petition signed by one hundred electors of the commissioner district in which the candidate is a resident.

RCW 53.12.040.  
Nomination  
by petition.

Note: See also section 2, chapter 175, Laws of 1959.

SEC. 8. (RCW 53.12.150) In the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners. In the event that such ad interim appointment shall not be made by the remaining commissioners within fifteen days following the occurrence of the vacancy, the appointment shall be made by the judge of the superior court of the county, and if there is more than one such judge, by such judge who is oldest in years: *Provided*, That if there be more than three such judges, the appointment shall be made by the three persons holding such office who are the oldest in service therein (in determining seniority, the oldest in years being hereby designated where length of service is equal), and if any one or more of those herein designated shall be unable or shall decline to act, the three shall be made up from the one or more next in seniority of service who are able to act and do not decline. Of the three persons so designated, the appointment made in writing by any two shall be valid.

RCW 53.12.150.  
Commissioner  
vacancies—  
How filled.

If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, a special election shall be called to fill the same, by the remainder, or, that failing, by the board of county

commissioners of the county, such election to be held not more than forty days after the occurring of such vacancies.

**Note:** See also section 8, chapter 175, Laws of 1959.

RCW 53.12.140.  
Commissioner  
vacancies—  
How caused.

**SEC. 9.** (RCW 53.12.140) A vacancy in the office of port commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty.

RCW 53.12.120.  
Additional  
commissioners  
on population  
increase.

**SEC. 10.** (RCW 53.12.120) In port districts having a population of five hundred thousand or more, in accordance with the latest United States census, there shall be submitted to the voters of the district, at the first general election after June 11, 1953, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is adopted, the commission in that port district shall consist of one commissioner from each of the three commissioner districts, and two commissioners elected at large. The two commissioners at large must have been residents of the district for three years and shall be nominated and elected at the same time and in the same manner as the other commissioners, except that their nomination petitions may be signed by electors residing in any part of the district and they shall be designated on their petitions and on the ballots as commissioners at large.

Commissioners  
at large.

If the proposition is carried by a majority vote, then five days after the election the commission shall consist of five members.

**Note:** See also section 3, chapter 175, Laws of 1959.

RCW 53.12.130.

**SEC. 11.** (RCW 53.12.130) At the same general

election the names of the candidates for commissioners at large shall be printed on the ballot and voted on, but the election of commissioners at large shall be contingent upon the adoption of the proposition for a commission of five members. The two candidates for commissioners at large receiving the highest number of votes shall be elected, and shall take office five days from their election. The one receiving the highest number of votes shall hold office for six years from the first day of January next and the other shall hold office for four years from that date.

First commissioners at large  
—Election—  
Terms.

A successor to a commissioner at large whose term is about to expire, shall be elected at the general election next preceding such expiration, for a term of six years.

SEC. 12. (RCW 53.08.210) A majority of the persons holding the office of port commissioner at any time shall constitute a quorum of the port commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted unless there are in office at least a majority of the full number of commissioners fixed by law.

RCW 53.08.210.  
Commission  
quorum—  
Transacting  
business.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor January 30, 1959.

*(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)*

Explanatory  
note.

**I. Introductory.**

1913 c 62 § 2, [RRS § 9690], as originally enacted, was a long and complicated section combining provisions on the formation of port districts with provisions concerning the election of port commissioners. The 1941 Code Committee divided this section extensively, codifying

Explanatory  
note.

part of it as two sections in the chapter on Formation, chapter 53.04, and the remainder as nine sections in the chapter on Commissioner Elections, chapter 53.12. Complicating matters further, three of these sections, RCW 53.12.040, 53.12.120 and 53.12.130, were subsequently amended by 1951 c 62 § 2 and 1953 c 198 §§ 1 and 2, respectively.

In the course of its restoration program, the Statute Law Committee restored 1913 c 62 § 2 in its entirety, codifying it as RCW 53.12.010 (6/1/58 supplement RCW). RCW 53.12.040, 53.12.120 and 53.12.130 also appear in the 6/1/58 supplement in the latest session law language. To eliminate the restored portions of 1913 c 62 § 2 which conflict with 53.12.040, 53.12.120 and 53.12.130, and to facilitate future amendment, the Statute Law Committee herein proposes the ratification of the division of 1913 c 62 § 2 into several sections as published by the 1941 Code Committee, but with the reenactment of the latest session law language in each such section. Certain portions of 1913 c 62 § 2 which have been superseded by later laws relating to port district elections, are omitted herefrom. A section by section commentary follows:

II. Section Comment.

Section 1. Legislative revision.

Section 2. (RCW 53.04.060) Source—1913 c 62 § 2, first sentence.

“An election held under the provisions of RCW 53.04.020,” substituted for “such election” as the provisions on the formation election referred to are contained in 1913 c 62 § 1. (RCW 53.04.020). For the same reason “such” has been changed to “the” before “proposition”, “district” and “port”.

Section 3. (RCW 53.12.010) Source—1913 c 62 § 2, second and third sentences.

The last sentence of this section was added to make the section subject to the provisions on commissioners at large, originally a part of 1913 c 62 § 2 introduced by the phrase, “All the foregoing provisions of this section are subject to the following provisos:” The original provisions on commissioners at large were divided and codified by the 1941 Code Committee as RCW 53.12.120 and 53.12.130. These sections were subsequently amended by 1953 c 198.

Section 4. (RCW 53.12.020) Source—1913 c 62 § 2, fourth sentence. “except as hereinafter provided” deleted after “years” and “Provided, That residence requirements for commissioners at large shall be as set forth in RCW 53.12.120” added after “elected” since the division of 1913 c 62 § 2 renders the “hereinafter” reference inadequate. Fifth sentence, reading, “Port commissioners shall hold office for a term of three years and until their respective successors are elected and qualified, each term to commence on the second Monday in January following the election thereto.” omitted as superseded by RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Section 5. (RCW 53.12.050) Source—1913 c 62 § 2, sixth and seventh sentences.

Sixth sentence: “. . . Three commissioners shall be elected to hold office, respectively, for the term of one, two and three years.” revised to read “. . . Three commissioners shall be elected to hold office as provided by law.”, to reconcile this section with later enactments, RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Seventh sentence: material relating to terms of office deleted in view of conflicting later enactments, RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Section 6. (RCW 53.04.070) Source—1913 c 62 § 2, eighth sentence.

Section 7. (RCW 53.12.040) Source—1913 c 62 § 2, ninth sentence (to first proviso) as amended by 1951 c 69 § 2. The first proviso, reading “Provided, however, That there shall be no election

held on the first Saturday in December immediately following the creation of such port district:" is here omitted as obsolete in view of later enactments, see RCW 53.12.172 (1951 c 68 § 2) and RCW 53.12.220 (1941 c 45 § 2).

Explanatory  
note.

- Section 8. (RCW 53.12.150) Source—1913 c 62 § 2, ninth sentence (second proviso) and tenth through twelfth sentences.
- Section 9. (RCW 53.12.140) Source—1913 c 62 § 2, thirteenth sentence.
- Section 10. (RCW 53.12.120) Source—1913 c 62 § 2, fourteenth through eighteenth sentences, as amended by 1953 c 198 § 1.
- Section 11. (RCW 53.12.130) Source—1913 c 62 § 2, nineteenth through twenty-first sentences, as amended by 1953 c 198 § 2.
- Section 12. (RCW 53.08.210) Source—1913 c 62 § 2, last sentence.  
This sentence was not codified by the 1941 Code Committee.

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## CHAPTER 18.

[ H. B. 10. ]

### WATER DISTRICTS—COMMISSIONERS—ELECTIONS— LOCAL IMPROVEMENTS—ANNEXATION.

AN ACT relating to water districts; amending section 7, chapter 114, Laws of 1929, as amended by section 2, chapter 50, Laws of 1945 and RCW 57.12.010; repealing and reenacting section 6, chapter 114, Laws of 1929, section 1, chapter 72, Laws of 1931, section 1, chapter 50, Laws of 1945, section 1, chapter 216, Laws of 1947, and section 4, chapter 251, Laws of 1953, (RCW 57.12.020 and 57.12.030); repealing and reenacting section 10, chapter 114, Laws of 1929, section 1, chapter 177, Laws of 1937, section 2, chapter 128, Laws of 1939, sections 1 and 2, chapter 112, Laws of 1951, sections 1 and 2, chapter 25, Laws of 1951 second extraordinary session, and sections 5, 6 and 7, chapter 251, Laws of 1953, (RCW 57.16.010, 57.16.020, 57.16.030 and 57.16.040); repealing and reenacting section 12, chapter 114, Laws of 1929, and sections 14 and 15, chapter 251, Laws of 1953, (RCW 57.16.060, 57.16.070 and 57.16.080); repealing and reenacting section 15, chapter 114, Laws of 1929, section 5, chapter 72, Laws of 1931, and section 5, chapter 25, Laws of 1951 second extraordinary session, (RCW 57.24.010 and 57.24.020); and declaring an emergency.

*Be it enacted by the Legislature of the State of  
Washington:*

SECTION 1. Section 7, chapter 114, Laws of 1929 as amended by section 2, chapter 50, Laws of 1945 and RCW 57.12.010 are each amended to read as follows:

RCW 57.12.010  
amended.