

especially in association with poverty and deprivation which constitutes a barrier to such employment.

NEW SECTION. Sec. 4. It is further provided that any federal funds available may be used to supplement this act.

NEW SECTION. Sec. 5. 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.

Passed the House March 12, 1969  
 Passed the Senate March 11, 1969  
 Approved by the Governor March 25, 1969  
 Filed in office of Secretary of State March 25, 1969

CHAPTER 106  
 [Substitute House Bill No. 140]  
 PUBLIC UTILITY DISTRICTS

AN ACT Relating to public utility districts; amending section 4, chapter 1, Laws of 1931 as last amended by section 9, chapter 265, Laws of 1959 and RCW 54.12.010; adding new sections to chapter 1, Laws of 1931 and to chapter 54.08 RCW; amending section 4, chapter 207, Laws of 1951 as last amended by section 1, chapter 161, Laws of 1967 and RCW 54.12.080; amending section 2, chapter 390, Laws of 1955 and RCW 54.16.010; amending section 10, chapter 390, Laws of 1955 and RCW 54.16.090; and declaring an emergency.

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

Section 1. Section 4, chapter 1, Laws of 1931 as last amended by section 9, chapter 265, Laws of 1959 and RCW 54.12.010 are each amended to read as follows:

Within (~~five~~) ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the election board shall so declare in its canvass of the returns of such election and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility dis-

trict shall be Public Utility District No. .... of ..... County. The powers of the public utility district shall be exercised through a commission consisting of three members in districts of the second class, and five members in districts of the first class. (~~in all public utility districts~~) When the public utility district is coextensive with the limits of such county; then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located (~~(7-when-the-public-utility-district-is-coextensive-with-the-limits-of-such-county)~~). When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county commissioners if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all districts of the first class an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to (~~head~~) be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a freeholder within the boundaries of such public utility district, and a qualified voter (~~(and-a-free-holder-within-such-public-utility-district,-except-as-hereinafter-provided,-of-the-public-utility-district-and)~~) of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large

shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed from the first day of December following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each biennial general election for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

~~((In-any))~~ When a public utility district ((hereafter)) is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. The commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. The ((terms of-all)) commissioners first to be elected as above provided shall ((include-the-time-intervening-between-the-date-that-the-results-of-their-election-are-declared-in-the-canvass-of-returns-thereof,-and-the-date-from-which-the-length-of-their-terms-is-computed-as-above-specified)) hold office from the first day of the month following the commissioners' election. Each term shall be computed from the first day of December following the commissioners' election.

~~((No-election-of-the-commissioners-in-any-public-utility-district,-except-to-fill-vacancies,-shall-be-held-until-the-biennial general-election-on-the-first-Tuesday-following-the-first-Monday-in November,-1942,-at-which-time-and-thereafter-such-elections-shall-be held-as-herein-provided.--At-said-general-election,-there-shall-be elected-two-public-utility-district-commissioners-in-each-public utility-district,-one-for-a-term-of-four-years-commencing-December-1, 1942,-in-such-commissioner-district-where-the-public-utility-district commissioner-resides-whose-successor,-but-for-this-act-[1941-c-245], would-be-elected-on-the-second-Saturday-in-December,-1941,-and-one-for~~

~~a term commencing on the second Monday in January, 1943, and expiring December 17, 1948, in such commissioner district where the utility district commissioner resides whose successor, but for this act (1941 c-245), would be elected on the second Saturday in December, 1942, and at the general election to be held on the first Tuesday following the first Monday in November, 1944, there shall be elected one public utility district commissioner for a term of six years commencing December 17, 1944, in such commissioner district of each such utility district where the commissioner resides whose successor, but for this act (1941 c-245), would be elected on the second Saturday in December, 1943.))~~

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified.

~~(All expenses of elections for the formation of such public utility 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 public utility district, if formed. Nominations))~~ A nomination for public utility district commissioner((s)) shall be by a petition signed by one hundred qualified electors of the public utility district to be filed in the office of the county auditor not more than sixty days, and not less than ~~((forty-five))~~ forty-six days prior to the day of such election ~~((:--PROVIDED, HOWEVER, That in any public utility district having a population of less than four thousand, such nominating petition shall be signed by a number of qualified electors equaling ten percent or more of the qualified electors of the public utility district))~~. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of RCW 29.21.060, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void. A vacancy in

the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a district of the second class, or more than two in a district of the first class, a special election shall be called by the county election board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the 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, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district((s)) may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. (~~(--PROVIDED;--That--any)~~) The proposed change of the boundaries of the public utility district commissioners' district (~~(the~~~~rein)~~) must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. (~~(--AND--PROVIDED--FURTHER;--That)~~) Upon a referendum petition signed by (~~(six)~~) ten percent of the qualified

voters of the public utility district being filed with the ~~((clerk))~~ county auditor, the ~~((commission))~~ board of county commissioners shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The ~~((checking))~~ validity of said petition ~~((as-to-its-sufficiency-or-insufficiency))~~ shall be governed by the provisions ~~((in-this-act-relating-thereto))~~ of chapter 54.08 RCW.

NEW SECTION. Sec. 2. There is added to chapter 1, Laws of 1931 and to chapter 54.08 RCW a new section to read as follows:

All expenses of elections for the formation of such public utility 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 public utility district, if formed.

NEW SECTION. Sec. 3. There is added to chapter 1, Laws of 1931 and to chapter 54.08 RCW a new section to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on the effective date of this act, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without first submitting such proposal to the voters of such district for their approval: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without submitting such action to voter approval.

The proposal to construct or acquire electric facilities may be submitted at any general election (as defined in this act), to the voters of the district by resolution of the commission or in the same manner as provided for the creation of a district under RCW 54.08.010.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the fol-

lowing terms:

Shall Public Utility District No. .... of .....  
County construct or acquire electric facilities for the generation,  
transmission or distribution of electric power?

Yes

No

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

NEW SECTION. Sec. 4. There is added to chapter 1, Laws of 1931 and to chapter 54.08 RCW a new section to read as follows:

Any district now or hereafter created under the laws of this state may be dissolved, as hereinafter provided, by a majority vote of the qualified electors of such district at any general election upon a resolution of the district commission, or upon petition being filed and such proposition for dissolution submitted to said electors in the same manner provided by chapter 54.08 RCW for the creation of public utility districts. The returns of the election on such proposition for dissolution shall be canvassed and the results declared in the same manner as is provided by RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to dissolve a district shall not be submitted to the electors if within five years prior to the filing of such petition or resolution such district has undertaken any material studies or material action relating to the construction or acquisition of any utility properties or if such district at the time of the submission of such proposition is actually engaged in the operation of any utility properties.

If a majority of the votes cast at the election favor dissolution, the commission of the district shall petition, without any filing fee, the superior court of the county in which such district is located for an order authorizing the payment of all indebtedness of

the district and directing the transfer of any surplus funds or property to the general fund of the county in which such district is organized.

Sec. 5. Section 4, chapter 207, Laws of 1951 as last amended by section 1, chapter 161, Laws of 1967 and RCW 54.12.080 are each amended to read as follows:

~~(District commissioners shall serve without compensation, except that a district may provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he attends meetings of the commission of his own district or meetings attended by one or more commissioners of two or more districts called to consider business common to them;--PROVIDED, That the total of such per diem compensation paid to such commissioner during any one year shall not exceed three thousand five hundred dollars;--PROVIDED, FURTHER, that any district may provide by resolution for the additional payment of a salary to each of its commissioners not exceeding one hundred fifty dollars per month;--Also, any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioners with the same coverage;--PROVIDED, FURTHER, that commissioners may not be compensated for services performed of ministerial or professional nature;)~~

Each district commissioner of a district operating utility properties serving more than two thousand customers shall receive a salary of one hundred fifty dollars per month. Commissioners of other districts shall serve without salary unless the district provides by resolution for the payment thereof, which however shall not exceed one hundred fifty dollars per month for each commissioner. In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding thirty-five dollars for each day or major part thereof devoted to the business of the district, and days upon which he at-



tends meetings of the commission of his district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such per diem compensation paid during any one year to a commissioner shall not exceed five thousand dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence.

Any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioner with the same coverage.

Sec. 6. Section 2, chapter 390, Laws of 1955 and RCW 54.16.010 are each amended to read as follows:

A district may make (~~(a survey of hydroelectric power, irrigation)~~) surveys, plans, investigations or studies for generating electric energy by water power, steam, or other methods, and for systems and facilities for the generation, transmission or distribution thereof, and for domestic and industrial water supply ((resources)) and irrigation, and for matters and purposes reasonably incidental thereto, within or without the district, and compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and coordinated to make a complete and systematic whole.

Sec. 7. Section 10, chapter 390, Laws of 1955 and RCW 54.16-.090 are each amended to read as follows:

A district may enter into any contract or agreement with the United States, or any state, municipality, or other utility district, or any department of those entities, or with any cooperative, mutual, consumer-owned utility, or with any investor-owned utility or with an association of any of such utilities, for carrying out any of the

powers authorized by this title.

It may acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for its purposes, or for any local district therein,

It may make contracts, employ engineers, attorneys, and other technical or professional assistance; print and publish information or literature; advertise or promote the sale and distribution of electricity or water and do all other things necessary to carry out the provisions of this title.

It may advance funds, jointly fund or jointly advance funds for surveys, plans, investigations, or studies as set forth in RCW 54.16.010, including costs of investigations, design and licensing of properties and rights of the type described in RCW 54.16.020, including the cost of technical and professional assistance, and for the advertising and promotion of the sale and distribution of electricity or water.

NEW SECTION. Sec. 8. The rule of strict construction shall have no application to this act. The act shall be liberally construed, in order to carry out the purposes and objectives for which this act is intended.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance, is held invalid, the remainder of this act, or the application to other persons or circumstances, is not affected.

NEW SECTION. Sec. 10. 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.

Passed the House March 12, 1969  
Passed the Senate March 10, 1969  
Approved by the Governor March 25, 1969  
Filed in office of Secretary of State March 25, 1969