

islature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 14. Part II of this 1969 amendatory 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 on the date upon which the 1969 education code becomes effective.

Passed the Senate February 27, 1969
Passed the House March 11, 1969
Approved by the Governor March 25, 1969
Filed in office of Secretary of State March 25, 1969

CHAPTER 131

[Engrossed Senate Bill No. 142]

SCHOOL DIRECTORS--FIRST CLASS DISTRICTS
ENROLLING 70,000 PUPILS OR MORE, IN FIRST CLASS COUNTIES

AN ACT Relating to education; amending section 10, chapter 266, Laws of 1947 as last amended by section 1, chapter 67, Laws of 1957 and RCW 28.57.338; amending section 13, chapter 268, Laws of 1959 and RCW 28.57.430; amending sections 29.21.180, 29.21.210 and 29.21.230, chapter 9, Laws of 1965 and RCW 29.21.180, 29.21.210 and 29.21.230; adding new sections to chapter 28.57 RCW; amending section 28A.57.312, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.312; amending section 28A.57.336, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.336; adding new sections to chapter 28A.57 RCW; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring emergencies.

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

Section 1. Section 29.21.180, chapter 9, Laws of 1965 and RCW 29.21.180 are each amended to read as follows:

No primary shall be held relating to the officers of state superintendent of public instruction, county superintendent of schools, or, except for school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties, officers of school districts embracing a city of over one hundred thousand population, if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Sec. 2. Section 29.21.210, chapter 9, Laws of 1965 and RCW 29.21.210 are each amended to read as follows:

Except for school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties, the positions of school directors for school districts embracing a city of over one hundred thousand population and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors

..... to be nominated.

No. 1

Vote for One

.....
.....
.....

No. 2

Vote for One

-
-
-

To Fill Unexpired Term

No.

2 (or 4) year term

Vote for One

-
-
-

Sec. 3. Section 29.21.230, chapter 9, Laws of 1965 and RCW 29.21.230 are each amended to read as follows:

Except for school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a school district position of school director for school districts embracing a city of over one hundred thousand population shall appear on the general election ballot under the designations therefor: PROVIDED, That if any candidate for a position receives a majority vote, his name alone shall be placed on the general election ballot for that position.

Part I. Sections affecting current law.

Sec. 4. Section 10, chapter 266, Laws of 1947 as last amended by section 1, chapter 67, Laws of 1957 and RCW 28.57.338 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district. Unless otherwise specifically provided, as in RCW 29.13.060, members of a board of directors shall be elected by ballot by the qualified electors of the school district and shall hold office for a term of four years and until their suc-

cessors are elected and qualified. Terms of school directors shall be staggered and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected. Except for a school district of the first class having an enrollment of seventy thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of a school district of the first class or ((of-a)) school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members.

~~((The terms of all school directors elected to office in March, 1956 shall be for four years;--There shall be no general school district elections held in the year 1957 and the directors whose terms would have expired in 1957;--but for the provisions of this act;--shall continue in office until their successors are elected at the general election to be held on the second Tuesday of March, 1958;--The directors whose terms expire in 1958 shall be elected for a four year term; PROVIDED;--That in any school district governed by a board of directors composed of five directors in which the term of office of more than three directors shall expire in 1958 or in 1960;--there shall be elected at the regular school election;--held in the year in which the term of office of more than three directors expires;--a number of directors equal to the number of directors whose terms expire in that year. Said directors shall be elected for the following terms;--Three directors for a term of four years and the remainder for a term of two years;--Prior to the date set by law for filing a declaration of candidacy for the office of director;--the board of directors of any school district affected by this proviso which is divided into director districts shall determine by lot the director districts from which directors shall be elected for a term of four years and the director district or districts from which a director or directors shall~~

be-elected-for-a-term-of-two-years.--Any-such-candidate-shall-indicate on-his-declaration-of-candidacy-the-director's-district-and-the-term of-years-for-which-he-seeks-election-and-the-director's-district-and the-term-of-office-shall-also-appear-upon-the-ballot.--Any-candidate filing-for-the-office-of-director-in-any-district-affected-by-the proviso-which-is-not-divided-into-director-districts-shall-indicate on-his-declaration-of-candidacy-the-term-of-years-for-which-he-seeks to-be-elected.--The-ballot-for-such-election-shall-indicate-the-term of-years-for-which-a-candidate-seeks-to-be-elected;--PROVIDED, FURTHER, That-in-any-school-district-governed-by-a-board-of-directors-composed of-three-directors-in-which-the-term-of-office-of-all-the-directors shall-expire-in-1958-or-in-1960,-there-shall-be-elected,-at-the-regular-school-election-held-in-the-year-in-which-the-term-of-office-of all-of-the-directors-expires,-three-directors-for-the-following-terms: Two-directors-for-a-term-of-four-years-and-one-director-for-a-term-of two-years.--Any-candidate-filing-for-the-office-of-director-in-any district-affected-by-this-proviso-shall-indicate-on-his-declaration of-candidacy-the-term-of-years-for-which-he-seeks-to-be-elected.--The ballot-at-such-election-shall-indicate-the-term-of-years-for-which-a candidate-seeks-to-be-elected.))

NEW SECTION. Sec. 5. There is added to chapter 28.57 RCW a new section to read as follows:

Notwithstanding any other provision of law, school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with

the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for a school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in section 6 of this 1969 amendatory act, every such director so elected in school districts divided into seven director districts shall serve for a term of six years as otherwise provided in RCW 29.13.060.

NEW SECTION. Sec. 6. There is added to chapter 28.57 RCW a new section to read as follows:

Within thirty days after the effective date of this 1969 amendatory act, the school boards of school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election

shall be by the school board from a list comprised of names submitted by each legislator resident in the director district, each of whom may suggest not more than three names for such vacancy. Within twenty days after receipt of written notice from the school board of the setting and approval of director district boundaries, legislators shall submit their list of nominees to the school board who shall name the appointees therefrom at the next meeting of the board after receipt of said lists.

Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term, and thereafter the term of their respective successors shall be for six years. The term of office of incumbent members of the board of such district shall not be affected by this 1969 amendatory act.

Sec. 7. Section 13, chapter 268, Laws of 1959 and RCW 28.57-.430 are each amended to read as follows:

~~((Whenever the provisions of this amendatory act required school directors to be elected at the regular school district election and the district affected is a))~~ Any first class school district having a board of directors of five members as provided in section 4 of this 1969 amendatory act and which elects directors for a term of six years under the provisions of RCW 29.13.060 ~~((the directors shall be elected for such terms of office not in excess of six years as will))~~ shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held ~~((thereafter))~~ hereafter and, except as provided in section 6 of this 1969 amendatory act, any school district having a board of directors of seven members as provided in section 4 of this 1969 amendatory act shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter.

Part II. Sections affecting proposed 1969 education code.

Sec. 8. Section 28A.57.312, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.312 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, members of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until their successors are elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having an enrollment of seventy thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of ((a)) every school district of the first class or ((e# a)) school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members.

NEW SECTION. Sec. 9. There is added to chapter 28A.57 RCW a new section to read as follows:

Notwithstanding any other provision of law, school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school

board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in section 10 of this 1969 amendatory act, every such director so elected in school districts divided into seven director districts shall serve for a term of six years as otherwise provided in RCW 29.13.060.

NEW SECTION. Sec. 10. There is added to chapter 28A.57 RCW a new section to read as follows:

Within thirty days after the effective date of this 1969 amendatory act, the school boards of school districts of the first class having an enrollment of seventy thousand pupils or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election

shall be by the school board from a list comprised of names submitted by each legislator resident in the director district, each of whom may suggest not more than three names for such vacancy. Within twenty days after receipt of written notice from the school board of the setting and approval of director district boundaries, legislators shall submit their list of nominees to the school board who shall name the appointees therefrom at the next meeting of the board after receipt of said lists. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for six years. The term of office of incumbent members of the board of such district shall not be affected by this 1969 amendatory act.

Sec. 11. Section 28A.57.336, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.336 are each amended to read as follows:

~~((Whenever the provisions of this chapter require school directors to be elected at the regular school district election and the district affected is a))~~ Any first class school district having a board of directors of five members as provided in section 8 of this 1969 amendatory act and which elects directors for a term of six years under the provisions of RCW 29.13.060 ~~((the directors shall be elected for such terms of office not in excess of six years as will))~~ shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held ~~((thereafter))~~ hereafter and, except as provided in section 10 of this 1969 amendatory act, any first class school district having a board of directors of seven members as provided in section 8 of this 1969 amendatory act shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter.

Part III. Construction.

NEW SECTION. Sec. 12. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 13. Part I of this 1969 amendatory 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.

NEW SECTION. Sec. 14. Part II of this 1969 amendatory 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 on the date upon which the 1969 education code becomes effective.

Passed the Senate March 13, 1969.

Passed the House March 13, 1969.

Approved by the Governor March 25, 1969, with the exception of certain items in section 6 and section 10, which are vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:
"...This bill as originally filed would have increased the number of school board directors from

five to seven for a school district of the first class having an enrollment of seventy thousand pupils or more and would have made no changes in the method of electing the members of such a school board.

As finally adopted, the bill will create seven director districts in the Seattle School District. Candidates who are residents in a director district will run in the primary election from that district. The two candidates in each district receiving the highest number of votes will run in the general election and will be voted upon by all of the registered voters in the entire school district.

After extended consideration, I have decided, with the exception of one item, to approve the bill. However, I wish to express my grave concern that this substantial change in the method of electing school board members will not necessarily be in the best interests of the Seattle School District and the citizens of Seattle. I am most concerned that a sustained effort be made to prevent this change in the method of election from becoming an impetus encouraging fragmentation and separatism in the Seattle School District.

I urge everyone who is concerned with the development of our public school systems to observe carefully how effectively this new machinery will work. If it is successful consideration should be given to extending it to all first class school districts. If substantial difficulties are encountered it should be reexamined by the Legislature.

The bill provides that the boundaries of the director districts shall be established by the members of the school board and approved by the county committee on school district organization. In section 6 it is provided that appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board from a list comprised of names submitted by each legislator resident in the director district, each of whom may suggest not more than three names for such vacancy.

By limiting persons to be considered to those nominated by legislators will be unduly restrictive and therefore will not necessarily provide the school board members with the best possible candidates for consideration. In addition, this device may tend to inject a partisan political flavor into the selection process which would be highly inappropriate to the non-partisan character of our public school system.

I therefore have concluded that the item contained in the bill in section 6 (and in alternate section 10 to be effective upon enactment of the 1969 education code)

is an inappropriate method for obtaining nominations for filling the vacancies created as a result of this bill.

To assist the school board in considering candidates for these additional positions, I encourage all interested citizens, and especially members of the Legislature residing within the Seattle School District, to communicate their suggestions to the members of the school board for their consideration.

With the exception of the item in section 6 and the alternate identical item in section 10 which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

CHAPTER 132
[Engrossed House Bill No. 388]
REGULATION OF CARRIERS
OF PASSENGER CHARTER PARTIES

AN ACT Relating to transportation; amending section 3, chapter 150, Laws of 1965 and RCW 81.70.020; amending section 5, chapter 150, Laws of 1965 and RCW 81.70.040; amending section 6, chapter 150, Laws of 1965 and RCW 81.70.050; amending section 7, chapter 150, Laws of 1965 and RCW 81.70.060; amending section 8, chapter 150, Laws of 1965 and RCW 81.70.070; amending section 9, chapter 150, Laws of 1965 and RCW 81.70.080; amending section 10, chapter 150, Laws of 1965 and RCW 81.70-.090; adding a new section to chapter 150, Laws of 1965 and to chapter 81.70 RCW; amending section 11, chapter 150, Laws of 1965 and RCW 81.70.100; amending section 12, chapter 150, Laws of 1965 and RCW 81.70.110; amending section 13, chapter 150, Laws of 1965 and RCW 81.70.120; amending section 14, chapter 150, Laws of 1965 and RCW 81.70.130; amending section 16, chapter 150, Laws of 1965 and RCW 81.70.150; amending section 19, chapter 150, Laws of 1965 and RCW 81.70.180; and amending section 21, chapter 150, Laws of 1965 and RCW 81.70.200.

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

Section 1. Section 3, chapter 150, Laws of 1965 and RCW 81.70.020 are each amended to read as follows:

Unless the context otherwise requires, the definitions and general provisions set forth in this section shall govern the con-