

CHAPTER 265.

[ Sub. H. B. 48. ]

PUBLIC UTILITY DISTRICTS OF THE FIRST CLASS.

AN ACT relating to public utility districts; adding a new chapter to Title 54 RCW; amending section 4, chapter 1, Laws of 1931, as amended by section 4, chapter 245, Laws of 1941 and RCW 54.12.010 and adding a new section to chapter 54.12 RCW.

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

New chapter. SECTION 1. There is added to Title 54 RCW a new chapter as set forth in sections 2 through 8 of this amendatory act of 1959.

First class PUD defined. SEC. 2. A public utility district of the first class is a district which shall have a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than three hundred and twenty-five million dollars, including interest during construction, and which shall have received the approval of the voters of the district to become a first class district as provided herein.

Qualifications, existing district. SEC. 3. Every public utility district which on the effective date of this amendatory act of 1959 shall be in existence and have such a license shall be qualified to become a first class district upon approval of the voters of said district.

Procedure to become first class PUD. Transmittals to auditor. SEC. 4. Within five days after a public utility district shall receive a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than three hundred and twenty-five million dollars, including interest during construction, or, in the case of a district which on the effective date of this amendatory act of 1959 is in existence and has such a license within five days of the effective date of this act the district shall forward a true copy of said license accompanied by a true copy of the application for such license, both

certified by the secretary of the district, to the county auditor of the county wherein said district is located.

SEC. 5. A public utility district having a license which entitles it to become a first class district shall be so classified only by approval of the qualified voters of the district. Such approval shall be by an election upon petition as hereinafter provided. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot in substantially the following terms:

Voter approval—  
Ballot form,  
vote, required.

Shall Public Utility District No. .... be reclassified a First Class District for the purpose of increasing the number of commissioners to five.....YES

Shall Public Utility District No. .... be reclassified a First Class District for the purpose of increasing the number of commissioners to five.....NO

Should a majority of the voters voting on the question approve the proposition, the district shall be declared a first class district upon the completion of the canvass of the election returns.

SEC. 6. The question of reclassification of a public utility district as a first class public utility district shall be submitted to the voters only upon filing a petition with the county auditor of the county in which said district is located, identifying the district by number and praying that an election be held to determine whether it shall become a first class district. The petition must be signed by a number of qualified voters of the district equal to at least ten percent of the number of voters in the district who voted at the last general election. In addition to the signature of the voter, the petition must indicate each signer's residence address and further indicate whether he is registered in a precinct in an unincorporated area or a precinct in an incorporated

—Election for reclassification—  
Petition for—  
Certificate of sufficiency—  
Date—Notice of.

area and if the latter, give the name of the city or town wherein he is registered. Said petition shall be presented to the county auditor for verification of the validity of the signatures. Within thirty days after receipt of the petition, the county auditor, in conjunction with the city clerks of the incorporated areas in which any signer is registered, shall determine the sufficiency of the petition. If the petition is found insufficient, the person who filed the same shall be notified by mail and he shall have an additional fifteen days from the date of mailing such notice within which to submit additional signatures, and the county auditor shall have an additional thirty days after the submission of such additional signatures to determine the validity of the entire petition. No signature may be withdrawn after the petition has been filed. If the petition, including these additional signatures if any, is found sufficient, the county auditor shall certify such fact to the public utility district and if the commissioners of the public utility district have theretofore certified to the county auditor the eligibility of the district for reclassification as provided in this act, the county auditor shall submit to the voters of the district the question of whether the district shall become a first class district. Such election shall be held on a date fixed by the county auditor which date shall be not more than one hundred twenty days after the date on which he certified the sufficiency of the petition. Notice of any election on the question shall be given in the manner prescribed for notice of an election on the formation of a public utility district.

Subdivision  
into at large  
districts.

SEC. 7. If the reclassification to a first class district is approved by the voters, the board of county commissioners within ten days after the results of said election are certified shall divide the public utility district into two districts of as nearly equal

population and area as possible, and shall designate such districts as At Large District A and At Large District B.

SEC. 8. Within thirty days after the county commissioners shall divide the district into two at large districts, the commissioners of such public utility district shall appoint one commissioner from each at large district, one to serve until the next general biennial election and one to serve until the next succeeding biennial general election. At the time of said appointments, the commissioners shall designate which new appointee shall hold the longer term.

Appointing commissioners, at large districts—Terms.

SEC. 9. Section 4, chapter 1, Laws of 1931 as amended by section 4, chapter 245, Laws of 1941, and RCW 54.12.010 are each amended to read as follows:

RCW 54.12.010 amended.

Within five 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 district 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 one commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located, 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, three commissioner districts, numbered consecutively, having approximately equal population and boundaries,

Commissioners —Election—Term—District boundaries change, etc.

PUD Com-  
missioners—  
Election—  
Term—District  
boundaries  
change, etc.

following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, and one commissioner shall be elected from each of said commissioner districts. In all districts of the first class an additional commissioner at large shall be chosen from each at large district. No person shall be eligible to hold the office of public utility district commissioner unless he is a qualified voter and a free holder within such public utility district, except as hereinafter provided, of the public utility district and of the 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 public utility district hereafter 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.

PUD Com-  
missioners—  
Election—  
Term—District  
boundaries  
change, etc.

No election of 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 1, 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 1, 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 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 re-

PUD Com-  
missioners—  
Election—  
Term—District  
boundaries  
change, etc.

paid to such county by the public utility district, if formed. Nominations for public utility district commissioners shall be by 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 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. 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 district; 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 trans-

action 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 commissioners' districts shall not be changed oftener than once in four years, and only when all members of the commission are present: *Provided*, That any proposed change therein must be made by resolution and 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 percent of the qualified voters of the public utility district being filed with the clerk, the commission shall submit such proposed change to the voters of the public utility district for their approval or rejection. The checking of said petition as to its sufficiency or insufficiency shall be governed by the provisions in this act relating thereto.

SEC. 10. There is added to chapter 54.12 RCW a New section. new section to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. Commissioner's oath of office.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 23, 1959.