

plan adopted by the district if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the district could acquire to meet future demand. Except where otherwise authorized, such assistance shall be limited to:

(1) Providing an inspection of the residential structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the district, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards.

(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed 120 months in length.

NEW SECTION. Sec. 4. This 1979 act shall take effect on the same date as the proposed amendment to Article VIII of the state Constitution, authorizing the use of public moneys or credit to promote conservation or more efficient use of energy, is validly submitted and is approved and ratified by the voters at a general election held in November, 1979. If the proposed amendment is not so approved and ratified, this 1979 act shall be null and void in its entirety.

Passed the Senate May 29, 1979.

Passed the House May 23, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 240

[Engrossed Substitute Senate Bill No. 2993]

PUBLIC UTILITY DISTRICTS—FORMATION—ELECTIONS—SUITS,
VENUE

AN ACT Relating to public utility districts; amending section 3, chapter 1, Laws of 1931 as amended by section 1, chapter 53, Laws of 1977 and RCW 54.08.010; amending section 3, chapter 106, Laws of 1969 and RCW 54.08.070; and amending section 12, chapter 390, Laws of 1955 and RCW 54.16.110.

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

Section 1. Section 3, chapter 1, Laws of 1931 as amended by section 1, chapter 53, Laws of 1977 and RCW 54.08.010 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten per cent of the qualified electors of such county(;) based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of such county the proposition of creating a public utility district which shall be coextensive with the limits of such county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. ~~((Such))~~ Petitions shall be filed with the county auditor(;; ~~who~~) not less than four months before such election and the county auditor shall within ((fifteen)) thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof((, and for such purpose the county auditor shall have access to all registration books in the possession of election officers within such county)). If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority((, which shall thereupon immediately transmit such proposition to the election board of such county, and it shall be the duty of such county election board to submit such proposition to the voters at the next general election)) which shall submit such proposition to the voters of said county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to said legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of

holding elections. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

- Public Utility District No. YES
- Public Utility District No. NO

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when such petition will be heard. Such publication, and all other publications required by this act, shall be in a newspaper published in the proposed or established public utility district, or, if there be no such newspaper, then in a newspaper published in the county in which such district is situated, and of general circulation in such county. The hearing on such petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of such lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after the effective date of this 1979 act shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 2. Section 3, chapter 106, Laws of 1969 and RCW 54.08.070 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, 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))~~ the approval of such proposal ~~((to))~~ by 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 of such action.

At any general election held in an even-numbered year, 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 public utility district commission or ~~((in the same manner as provided for the creation of a district under RCW 54.08.010))~~ shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the qualified electors of such district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of said district at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to said legislative authority. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

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

Sec. 3. Section 12, chapter 390, Laws of 1955 and RCW 54.16.110 are each amended to read as follows:

A district may sue in any court of competent jurisdiction, and may be sued in the county in which ((it)) its principal office is located or in which it owns or operates facilities. No suit for damages shall be maintained against a district except on a claim filed with the commission complying in all respects with the terms and requirements for claims for damages filed against cities of the second class.

Passed the Senate May 31, 1979.

Passed the House May 12, 1979.

Approved by the Governor June 15, 1979.

Filed in Office of Secretary of State June 15, 1979.

CHAPTER 241

[Substitute Senate Bill No. 3101]

COMMON SCHOOLS—PLANT FACILITIES CONSTRUCTION—BOND ISSUE—TRUST LANDS TIMBER SALES COMPENSATION

AN ACT Relating to the common schools and the support thereof; providing for the construction of common school plant facilities and the financing thereof by the issuance of bonds, including bond anticipation notes; providing ways and means of payment of the bonds; rescinding authority to issue certain bonds for school plant facilities; providing compensation for the sale of timber on trust lands; adding new sections to Title 28A RCW as a new chapter thereof; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of furnishing funds for state assistance to school districts in providing for the construction of common school plant facilities, the state finance committee is hereby authorized to issue general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of thirty million dollars and designated as Series I bonds, and the second authorization which shall be in the sum of seventy-four million dollars and designated as the Series II bonds, or so much thereof of each authorization as shall be required to provide state assistance to local school districts for the construction of common school plant facilities. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation and these bonds shall be paid and discharged in not more than thirty years of the date of issuance.

NEW SECTION. Sec. 2. When the state finance committee has determined to issue the general obligation bonds or a portion of such series