

CHAPTER 35

[House Bill No. 1432]

SCHOOL DISTRICTS—DIRECTORS, ASSUMPTION OF OFFICE—ELECTION
VALIDATION

AN ACT Relating to school districts; amending section 1, chapter ...[47] (HB No. ...[1586]), Laws of 1980 and RCW 28A.57.312; amending section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 126, Laws of 1979 ex. sess. and RCW 28A.57.328; amending section 3, chapter 67, Laws of 1971 as last amended by section 6, chapter 126, Laws of 1979 ex. sess. and RCW 28A.57.355; amending section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 126, Laws of 1979 ex. sess. and RCW 28A.57.356; amending section 2, chapter ...[47] (HB No. ...[1586]), Laws of 1980 and RCW 28A.57.357; amending section 3, chapter ...[47] (HB No. ...[1586]), Laws of 1980 and RCW 28A.57.358; amending section 1, chapter 126, Laws of 1979 ex. sess. and RCW 29.04.170; amending section 29.27.080, chapter 9, Laws of 1965 and RCW 29.27.080; creating a new section; and declaring an emergency.

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

Section 1. Section 1, chapter ...[47] (HB No. ...[1586]), Laws of 1980 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, each member 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 a successor is elected(;) and qualified(, and begins his or her term in accordance with RCW 29.04.170)). 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 within its boundaries a city with a population of four hundred thousand people or more in class AA counties which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

Sec. 2. Section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 126, Laws of 1979 ex. sess. and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second class school district,

they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class. Each initial director shall hold office until his successor is elected and qualified (~~in accordance with RCW 29.04.170~~): PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312, as now or hereafter amended.

Sec. 3. Section 3, chapter 67, Laws of 1971 as last amended by section 6, chapter 126, Laws of 1979 ex. sess. and RCW 28A.57.355 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified (~~and assume office in accordance with RCW 29.04.170~~). At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected

for a term of three years and three directors shall be elected for a term of six years.

Sec. 4. Section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 126, Laws of 1979 ex. sess. and RCW 28A.57.356 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342, as now or hereafter amended, containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified (~~and then assume office in accordance with RCW 29.04.170~~). At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 5. Section 2, chapter ...[47] (HB No. ...[1586]), Laws of 1980 and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342, as now or hereafter amended, containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the

next regular school election and until their successors are elected and qualified (~~and then assume office in accordance with RCW 29.04.170~~). At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more in class AA counties and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 6. Section 3, chapter ...[47] (HB No. ...[1586]), Laws of 1980 and RCW 28A.57.358 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified (~~and then assume office in accordance with RCW 29.04.170~~). Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425, as now or hereafter amended. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 28A.57.313.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 7. Section 1, chapter 126, Laws of 1979 ex. sess. and RCW 29.04.-170 are each amended to read as follows:

(1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of this legislation is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting. It is

also the purpose of this legislation to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting, the term of incumbents shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term shall occur when the successor becomes qualified in accordance with RCW 29.01.135.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in RCW 29.01.135 but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office.

Sec. 8. Section 29.27.080, chapter 9, Laws of 1965 and RCW 29.27.080 are each amended to read as follows:

(1) Notice for any state, county, district, or municipal election, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address of each polling place: **PROVIDED**, That the names of all candidates for non-partisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county, district or municipal general or special election and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

(2) All school district elections held on February 5, 1980, at which the number and proportion of persons required by law voted to authorize bonds or tax levies, are hereby validated regardless of any failure to publish notice of such election. No action challenging the validity of any such election may

be brought later than April 15, 1980, or thirty days from the effective date of this act, whichever is later. Notice of provisions of this subsection shall be published within five days after the effective date of this section of this 1980 act in a newspaper of general circulation within each county where a school district election was held on February 5, 1980, and where notice of such election was not published as provided in subsection (1) of this section.

NEW SECTION. Sec. 9. Section 8 of this 1980 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. 10. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 21, 1980.

Passed the Senate February 15, 1980.

Approved by the Governor February 28, 1980.

Filed in Office of Secretary of State February 28, 1980.

CHAPTER 36

[House Bill No. 277]

COMIC BOOKS

AN ACT Relating to comic books; and repealing sections 1 through 15, chapter 282, Laws of 1955 and RCW 19.18.010 through 19.18.900.

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

NEW SECTION. Section 1. Sections 1 through 15, chapter 282, Laws of 1955 and RCW 19.18.010 through 19.18.900 are each repealed.

Passed the House January 14, 1980.

Passed the Senate February 18, 1980.

Approved by the Governor February 29, 1980.

Filed in Office of Secretary of State February 29, 1980.

CHAPTER 37

[Substitute House Bill No. 1016]

EXCISE TAX EXEMPTIONS, DEDUCTIONS—SECTION DIVISION, RECODIFICATION

AN ACT Relating to the recodification of existing excise tax exemptions and deductions; dividing sales tax exemptions, use tax exemptions, and business and occupation tax deductions into separate sections; amending section 82.04.425, chapter 15, Laws of 1961 as amended by section 9, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.425; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 324, Laws of 1977 ex. sess. and RCW 82.12.020; amending section 6, chapter 196, Laws of