

(1) Section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; and

(2) Section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030.

**NEW SECTION.** Sec. 11. 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 Senate April 25, 1981.

Passed the House April 25, 1981.

Filed in Office of Secretary of State May 19, 1981, without the Governor's signature.

## CHAPTER 345

[Senate Bill No. 3356]

### IRRIGATION DISTRICTS—ELECTIONS—ENERGY CONSERVATION

AN ACT Relating to irrigation districts; amending section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075; amending section 8, page 675, Laws of 1889-90 and RCW 87.03.100; and adding a new section to chapter 87.03 RCW.

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

Section 1. Section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075 are each amended to read as follows:

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration in writing of their candidacy, or a petition of nomination as hereinafter provided, not ~~((less than twenty days before the day of the election))~~ later than five o'clock p.m. on the first Monday in November. Ballots shall contain space for sticker voting or for the writing in of the name of an undeclared candidate. A person filing a declaration of candidacy, or petition of nomination as hereinafter provided, shall designate therein the position for which he is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district a petition of nomination signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not ~~((less than twenty days before the day of election))~~ later than five o'clock p.m. on the first Monday in November. If, after the expiration of the date for filing

petitions of nomination, it appears that only one qualified candidate has been nominated thereby for each position to be filled it shall not be necessary to hold an election, and the board of directors shall (~~within fifteen days after expiration of the date for filing petitions of nomination~~) at their next meeting declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

Sec. 2. Section 8, page 675, Laws of 1889-90 and RCW 87.03.100 are each amended to read as follows:

As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk[s], judge[s], and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots (~~shall be strung upon a cord or thread by the inspector during the counting thereof, in the order in which they are entered upon the tally lists by the clerk, and said ballots~~), together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector, in the presence of the judges and clerks, and endorsed "Election returns of [naming the precinct] precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

NEW SECTION. Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows:

Any irrigation district engaged in the distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of residential structures in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures pursuant to an energy conservation plan adopted by the irrigation 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 irrigation 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 irrigation 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.

(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 one hundred twenty months in length.

Passed the Senate April 25, 1981.

Passed the House April 16, 1981.

Filed in Office of Secretary of State June 5, 1981, without the Governor's signature.

Note: Secretary of State letter of transmittal is as follows:

"Pursuant to RCW 44.20.020 the Secretary of State hereby certifies to you as Chapter 345, Laws of 1981, Enrolled Senate Bill 3356.

You will note that a certified Enrolled Senate Bill 3356 was received twice by the Secretary of State. The first certificated enrolled bill was received by the Secretary of State on May 14, 1981, after signature by the Governor. The bill was duly assigned chapter number "208", Laws of 1981. Subsequently, on June 5, 1981, the Secretary of State received another certificate of enrollment for Senate Bill 3356. According to a transmittal communication from the Governor's office, the later certificated enrolled bill contains a "new" section, Section 3, which was in fact passed by the Legislature but which was omitted from the original certificated enrolled bill, apparently by oversight. The second certificated enrolled bill has been duly assigned chapter number "345", Laws of 1981.

Each certificate of enrollment appears on its face to be a regular and valid certificate. We do not believe it is appropriate for the Office of Secretary of State, in carrying out the ministerial filing responsibilities under the Constitution and Chapter 44.20 RCW, to go behind the certificate or to determine the validity or effect of the receipt of two certificates of enrollment for Senate Bill 3356. Therefore, having received two certificates, each apparently valid on its face, we have duly forwarded each item to you, pursuant to RCW 44.20.020."