

employment will be reduced by any amount the officer receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability: AND PROVIDED FURTHER, That an officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section.

(2) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

Passed the Senate September 10, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.

---

CHAPTER 21

[Senate Bill No. 2915]

FIRST CLASS SCHOOL DISTRICTS IN  
CLASS AA COUNTIES

AN ACT Relating to education; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 131, Laws of 1969 and RCW 28A.57.312; amending section

28A.57.342, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 67, Laws of 1971 and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 67, Laws of 1971 and RCW 28A.57.344; amending section 6, chapter 67, Laws of 1971 and RCW 28A.57.358; amending section 9, chapter 131, Laws of 1969 and RCW 28A.57.425; amending section 10, chapter 131, Laws of 1969 and RCW 28A.57.435; amending section 2, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.180; amending section 29.21.210, chapter 9, Laws of 1965 as amended by section 2, chapter 131, Laws of 1969 and RCW 29.21.210; amending section 29.21.230, chapter 9, Laws of 1965 as amended by section 3, chapter 131, Laws of 1969 and RCW 29.21.230; amending section 5, chapter 67, Laws of 1971 as amended by section 1, chapter 19, Laws of 1973 and RCW 28A.57.357; and creating a new section.

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

Section 1. Section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 131, Laws of 1969 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)) fifty thousand pupils 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. The board of directors of a school district of the third class shall consist of three members.

Sec. 2. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 67, Laws of 1971 and RCW 28A.57.342 are each amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district that, if formed, will be a district of the first or second class

other than a school district of the first class having an enrollment of ((seventy)) fifty thousand pupils or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.328. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.355, 28A.57.356, and 28A.57.357. Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district.

Sec. 3. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 67, Laws of 1971 and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every first and second class school district other than a school district of the first class having an enrollment of ((seventy)) fifty thousand pupils or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 4. Section 6, chapter 67, Laws of 1971 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 an enrollment of ((seventy)) fifty thousand pupils 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 and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school 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. Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425. 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 29.13.060.

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. 5. Section 9, chapter 131, Laws of 1969 and RCW 28A.57.425 are each amended to read as follows:

Notwithstanding any other provision of law, school districts of the first class having an enrollment of ~~((seventy))~~ fifty 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 RCW 28A.57.435, 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.

Sec. 6. Section 10, chapter 131, Laws of 1969 and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of school districts of the first class having an enrollment of ~~((seventy))~~ fifty 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. 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 RCW 28A.57.312, 28A.57.336, 28A.57.425, 28A.57.435, 29.21.180, 29.21.210 and 29.21.230.

Sec. 7. Section 2, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.180 are each amended to read as follows:

No primary shall be held relating to the office of state superintendent of public instruction or, except for school districts of the first class having an enrollment of ~~((seventy))~~ fifty thousand pupils or more in class AA counties, officers of other first class school districts 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. 8. Section 29.21.210, chapter 9, Laws of 1965 as amended by section 2, chapter 131, Laws of 1969 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)) fifty 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. 9. Section 29.21.230, chapter 9, Laws of 1965 as amended by section 3, chapter 131, Laws of 1969 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)) fifty 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.

Sec. 10. Section 5, chapter 67, Laws of 1971 as amended by section 1, chapter 19, Laws of 1973 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 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 and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school 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. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, 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 districts having an enrollment of ((seventy)) fifty thousand pupils or more 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.

NEW SECTION. Sec. 11. If any provision of this 1973 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 Senate September 8, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

Filed in Office of Secretary of State September 24, 1973.