

((7)) (8) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out RCW 27.34.200 through 27.34.290.

Passed the Senate April 9, 1985.  
 Passed the House March 29, 1985.  
 Approved by the Governor April 17, 1985.  
 Filed in Office of Secretary of State April 17, 1985.

CHAPTER 65

[Substitute Senate Bill No. 3201]

POLYCHLORINATED BIPHENYLS—DEPARTMENT OF ECOLOGY TO  
 REGULATE

AN ACT Relating to polychlorinated biphenyls; and adding a new section to chapter 70.105 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.105 RCW to read as follows:

The department of ecology shall regulate under chapter 70.105 RCW, wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors that have been sold or otherwise transferred for salvage or disposal after the completion or termination of their useful lives and which contain polychlorinated biphenyls (PCB's) and whose disposal is not regulated under 40 CFR part 761. Nothing in this section shall prohibit such wastes from being incinerated or disposed of at facilities permitted to manage PCB wastes under 40 CFR part 761.

Passed the Senate April 9, 1985.  
 Passed the House April 3, 1985.  
 Approved by the Governor April 17, 1985.  
 Filed in Office of Secretary of State April 17, 1985.

CHAPTER 66

[Substitute Senate Bill No. 3594]

IRRIGATION DISTRICT VOTING RIGHTS

AN ACT Relating to irrigation district voting rights; amending RCW 87.03.045 and 87.03.075; adding new sections to chapter 87.03 RCW; and repealing RCW 87.03.050, 87.03.055, 87.03.060, 87.03.065, and 87.03.070.

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

Sec. 1. Section 4, chapter 57, Laws of 1955 as last amended by section 72, chapter 292, Laws of 1971 ex. sess. and RCW 87.03.045 are each amended to read as follows:

In districts with two hundred thousand acres or more, a person eighteen years old, being a citizen of the United States and a resident of the

state and who holds title or evidence of title to land in the district or proposed district shall be entitled to vote therein(~~(; except that any such person shall only be entitled to vote in a district comprising two hundred thousand or more acres, or in any other district to which this exception is made applicable as hereinafter provided, if he holds title or evidence of title to land other than land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes, in which event, in a district comprising two hundred thousand or more acres;))~~). He shall be entitled to one vote for the first ten acres of said land or fraction thereof and one additional vote for all of said land over ten acres. (~~Lands platted or subdivided into residence or business lots shall not be considered as being used for agricultural or horticultural purposes unless (1) used exclusively for such purposes (2) by the holder of title or evidence of title who shall reside thereon and (3) cultivate said lands as a farmer, gardener, or horticulturist;))~~) A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the precinct in which he resides, all others shall vote in the precinct nearest their residence. (~~No director shall be qualified to take or retain office unless he holds title or evidence of title to five acres or more of land within the district. PROVIDED, That this additional qualification for the office of director shall not apply in any irrigation district where more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres;))~~)

NEW SECTION. Sec. 2. A new section is added to chapter 87.03 RCW to read as follows:

In districts with less than two hundred thousand acres, a person eighteen years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to assessable land in the district or proposed district shall be entitled to vote therein, and to be recognized as an elector. A domestic corporation owning land in the district shall be recognized as an elector. "Ownership" shall mean the aggregate of all assessable acres owned by an elector, individually or jointly, within one district. Voting rights shall be allocated as follows: Two votes for each five acres of assessable land or fraction thereof. No one ownership may accumulate more than forty-nine percent of the votes in one district. If assessments are on the basis of shares instead of acres, an elector shall be entitled to two votes for each five shares or fraction thereof. The ballots cast for each ownership of

land or shares shall be exercised by common agreement between electors or when land is held as community property, the accumulated votes may be divided equally between husband and wife. Except for community property ownership, in the absence of the submission of the common agreement to the secretary of the district at least twenty-four hours before the opening of the polls, the election board shall recognize the first elector to appear on election day as the elector having the authority to cast the ballots for that parcel of land for which there is more than one ownership interest. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. An agent of a domestic corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the precinct in which he resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless he holds title or evidence of title to land within the district.

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

In any irrigation district where more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres, each elector who is otherwise qualified to vote pursuant to RCW 87.03.045 shall be entitled to two votes regardless of the size of ownership. Each ownership shall be represented by two votes. If there are multiple owners or joint owners of a single ownership, the owners shall decide among themselves what their two votes shall be. If the ownership is held as community property, the husband shall be entitled to one vote and the wife shall be entitled to one vote or they may vote by common agreement.

Sec. 4. Section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 345, Laws of 1981 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 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. Ballots shall be issued by the election board according to the number of votes an elector is entitled to cast. 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 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 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.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) Section 5, chapter 57, Laws of 1955 and RCW 87.03.050;
- (2) Section 6, chapter 57, Laws of 1955 and RCW 87.03.055;
- (3) Section 7, chapter 57, Laws of 1955 and RCW 87.03.060;
- (4) Section 8, chapter 57, Laws of 1955 and RCW 87.03.065; and
- (5) Section 9, chapter 57, Laws of 1955 and RCW 87.03.070.

NEW SECTION. Sec. 6. If any provision of this 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 March 11, 1985.

Passed the House April 8, 1985.

Approved by the Governor April 17, 1985.

Filed in Office of Secretary of State April 17, 1985.

## CHAPTER 67

[Senate Bill No. 4266]

### ENERGY FACILITY SITE EVALUATION COUNCIL—CHAIRMAN AUTHORITY MODIFIED

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50-.040; and reenacting and amending RCW 80.50.030.

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

Sec. 1. Section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 372, chapter 7, Laws of 1984 and by section 18, chapter 125,