

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 The following acts or parts of acts are each repealed: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,

Laws of 1984 and RCW 80.50.030 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2) (a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined under RCW 43-.03.040. The chairman is a "state employee" for the purposes of chapter 42.18 RCW.

(b) The chairman is the chief executive officer of the council and shall, with the concurrence of the council, execute all official documents, contracts, and other materials on behalf of the council. The chairman shall appoint an executive secretary to serve at the pleasure of the chairman. The chairman may appoint a confidential secretary to serve at the pleasure of the chairman. The chairman shall appoint and prescribe the duties of such clerks, employees, and agents as may be necessary to carry out this chapter: PROVIDED, That such persons shall be employed pursuant to chapter 41-.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fisheries;
- (c) Department of game;
- (d) Department of parks and recreation;
- (e) Department of social and health services;
- (f) State energy office;
- (g) Department of commerce and economic development;
- (h) Utilities and transportation commission;
- (i) Office of financial management;
- (j) Department of natural resources;
- (k) Department of community development;
- (l) Department of emergency ((services)) management;
- (m) Department of agriculture;
- (n) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents, and such member or

designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 2. Section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 1, chapter 254, Laws of 1979 ex. sess. and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.04 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

~~(2) ((To appoint an executive secretary to serve at the pleasure of the council;~~

~~(3) To appoint and prescribe the duties of such clerks, employees, and agents as may be necessary to carry out the provisions of this chapter: PROVIDED, That such persons shall be employed pursuant to the provisions of chapter 41.06 RCW;~~

~~(4)) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter;~~

~~((5)) (3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.04 RCW;~~

~~((6)) (4) To prescribe the form, content, and necessary supporting documentation for site certification;~~

~~((7)) (5) To receive applications for energy facility locations and to investigate the sufficiency thereof;~~

~~((8)) (6) To make and contract, when applicable, for independent studies of sites proposed by the applicant;~~

~~((9))~~ (7) To conduct hearings on the proposed location of the energy facilities;

~~((10))~~ (8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

~~((11))~~ (9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or ~~((RCW 80.50.040(14)))~~ subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council shall retain authority for determining compliance relative to monitoring;

~~((12))~~ (10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

~~((13))~~ (11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

~~((14))~~ (12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter.

Passed the Senate April 9, 1985.

Passed the House April 5, 1985.

Approved by the Governor April 17, 1985.

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

CHAPTER 68

[Senate Bill No. 3104]

STATUTES SUPERSEDED BY COURT RULE

AN ACT Relating to statutes superseded by court rules; amending RCW 4.12.025; and repealing RCW 4.08.010, 4.08.070, 4.08.200, 4.12.026, 4.12.027, 4.28.005, 4.32.040, 4.32.230,