

insurance if the health care services are rendered by the health care service contractor or by a participant.

(2) The commissioner may require the submission of contract forms for his examination and may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48-.04 and 34.04 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients;

((or))
(f) If it violates any provision of this chapter; or

(g) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 5. 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 House April 23, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 287

[Substitute House Bill No. 434]

COLLECTIVE BARGAINING—COVERAGE OF PORT DISTRICT EMPLOYEES—ARBITRATION PANEL PROVISIONS MODIFIED

AN ACT Relating to collective bargaining for fire fighters; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450; amending section 19, chapter 87, Laws of 1980 and RCW 41.56.452; amending section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460; amending section 10, chapter 131, Laws of 1973 and RCW 41.56.905; and adding a new section to chapter 53.18 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 53.18 RCW a new section to read as follows:

Port districts and their employees shall be covered by the provisions of chapter 41.56 RCW except as provided otherwise in this chapter.

Sec. 2. Section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.450 are each amended to read as follows:

If an agreement has not been reached following a reasonable period of negotiations and mediation, and the executive director, upon the recommendation of the assigned mediator, finds that the parties remain at impasse, then an interest arbitration panel shall be created to resolve the dispute. The issues for determination by the arbitration panel shall be limited to the issues certified by the executive director. Within ~~((five))~~ seven days following the issuance of the determination of the executive director, each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within ~~((five))~~ seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chairman of the arbitration panel. Upon the failure of the arbitrators to select a neutral chairman within ~~((five))~~ seven days, the two appointed members shall ~~((utilize))~~ use one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the commission, and the commission shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (2) either party may apply to the commission, the federal mediation and conciliation service, or the American Arbitration Association to provide a list of five qualified arbitrators from which the neutral chairman shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chairman shall be shared equally between the parties.

The arbitration panel so constituted shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute (~~((, provided, that the requirements of chapter 34-04 RCW do not apply to such notice))~~). A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. No member of the arbitration panel may present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the chairman of the arbitration panel may be received in evidence. A recording of the proceedings shall be taken. The arbitration panel ~~((shall have))~~ has

the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitration panel, or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitration panel may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and ~~((such))~~ the court ~~((shall have))~~ has jurisdiction to issue an appropriate order. Any failure to obey ~~((such))~~ the order may be punished by the court as a contempt thereof. The hearing conducted by the arbitration panel shall be concluded within twenty-five days following the selection or designation of the neutral chairman of the arbitration panel, unless the parties agree to a longer period.

The neutral chairman shall consult with the other members of the arbitration panel, and, within thirty days following the conclusion of the hearing, the neutral chairman shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on the commission, on each of the other members of the arbitration panel, and on each of the parties to the dispute. That determination shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

Sec. 3. Section 19, chapter 87, Laws of 1980 and RCW 41.56.452 are each amended to read as follows:

~~((The))~~ An interest arbitration panel created pursuant to RCW 41.56.450, in the performance of its duties under chapter 41.56 RCW, exercises a state function and is, for the purposes of ~~((that))~~ this chapter, a state agency. Chapter 34.04 RCW does not apply to proceedings before an interest arbitration panel under this chapter.

Sec. 4. Section 5, chapter 131, Laws of 1973 as amended by section 3, chapter 184, Laws of 1979 ex. sess. and RCW 41.56.460 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

- (a) The constitutional and statutory authority of the employer(-);
- (b) Stipulations of the parties(-);
- (c) Comparison of the wages, hours and conditions of employment of ~~((the uniformed))~~ personnel ~~((of cities and counties))~~ involved in the proceedings with the wages, hours, and conditions of employment of ~~((uniformed))~~ like personnel ~~((of cities and counties respectively))~~ like employers of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living(:);

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings(:); and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

Sec. 5. Section 10, chapter 131, Laws of 1973 and RCW 41.56.905 are each amended to read as follows:

The provisions of this (~~(1973 amendatory act relating to uniformed personnel)~~) chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in section 1 of this 1983 act, if any provision of this (~~(1973 amendatory act)~~) chapter conflicts with any other statute, ordinance, rule or regulation of any public employer (~~(as it relates to uniformed employees)~~), the provisions of this (~~(1973 amendatory act)~~) chapter shall control.

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 House April 23, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 288

[Substitute House Bill No. 458]

ANTITRUST/CONSUMER PROTECTION IMPROVEMENTS ACT

AN ACT Relating to antitrust and unfair and deceptive business practices; amending section 14, chapter 216, Laws of 1961 as amended by section 7, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.140; amending section 9, chapter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.090; amending section 20, chapter 216, Laws of 1961 as amended by section 25, chapter 3, Laws of 1983 and RCW 19.86.920; amending section 15.66.010, chapter 11, Laws of 1961 as last amended by section 180, chapter 35, Laws of 1982 and RCW 15.66.010; adding a new section to chapter 19.86 RCW; creating a new section; repealing section 1, chapter 221, Laws of 1939 and RCW 19.90.010; repealing section 2, chapter 221, Laws of 1939, section 3, chapter 4, Laws of 1983 and RCW 19.90.020; repealing section 3, chapter 221, Laws of 1939 and RCW 19.90.030; repealing section 4, chapter 221, Laws of 1939 and RCW 19.90.040; repealing section 5, chapter 221, Laws of 1939 and RCW 19.90.050; repealing section 6, chapter 221, Laws of 1939 and RCW 19.90.060; repealing section 7, chapter 221, Laws of 1939 and RCW 19.90.070; repealing section 8, chapter 221, Laws of 1939 and RCW 19.90.080; repealing section 9, chapter 221, Laws of 1939 and RCW 19.90.090; repealing section 10, chapter 221, Laws of 1939 and RCW 19.90.100; repealing section 11, chapter 221, Laws of 1939 and RCW 19.90.110; repealing section 12, chapter 221, Laws of 1939, section 4, chapter 4, Laws of 1983 and RCW 19.90.120; repealing section 13, chapter 221, Laws of 1939 and RCW 19.90.130; repealing section 1, chapter 246, Laws of 1959