

findings, conclusions, and recommendations resulting from the review shall be sent to the department of community development by June 30, 1990.

**NEW SECTION.** Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The department of community development shall: (1) Report to the housing committee in the house of representatives and the economic development and labor committee in the senate the results of the local reviews provided for in sections 2 through 6 of this act by July 31, 1990; and (2) develop, in consultation with the Washington association of counties, the association of Washington cities, the Washington mobile park owners association, and the mobile home tenants association of Washington, a model ordinance for the siting of mobile home parks. The model ordinance shall be completed by January 31, 1990.

**NEW SECTION.** Sec. 8. 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.

**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 21, 1989.

Passed the Senate April 21, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

## CHAPTER 275

[House Bill No. 1020]

### DISTRICT COURT EMPLOYEES—COLLECTIVE BARGAINING

AN ACT Relating to collective bargaining for district court employees; and amending RCW 41.56.020 and 41.56.030.

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

Sec. 1. Section 2, chapter 108, Laws of 1967 ex. sess. as last amended by section 1, chapter 135, Laws of 1987 and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington, including district courts, except as otherwise provided by RCW 54.04.170, 54.04.180, and chapters 41.59, 47.64, and 53.18 RCW. The Washington state patrol shall be considered a public employer of state patrol officers appointed under RCW 43.43.020.

Sec. 2. Section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 2, chapter 135, Laws of 1987 and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by

the governing body of any county of the second class or larger, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

Passed the House April 17, 1989.

Passed the Senate April 6, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

## CHAPTER 276

[House Bill No. 1070]

### CONVICTED CRIMINAL DEFENDANTS—RELEASE DURING STAY OF EXECUTION ON APPEAL OR WHILE AWAITING SENTENCE

AN ACT Relating to criminal procedure; amending RCW 9.95.062; adding a new section to chapter 9.95 RCW; adding new sections to chapter 10.64 RCW; and adding a new section to chapter 10.82 RCW.

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

Sec. 1. Section 2, chapter 42, Laws of 1955 as last amended by section 1, chapter 4, Laws of 1969 ex. sess. and RCW 9.95.062 are each amended to read as follows:

(1) Notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a criminal action shall not stay the execution of the judgment of conviction, if the court determines by a preponderance of the evidence that:

(a) The defendant is likely to flee or to pose a danger to the safety of any other person or the community if the judgment is stayed; or

(b) The delay resulting from the stay will unduly diminish the deterrent effect of the punishment; or

(c) A stay of the judgment will cause unreasonable trauma to the victims of the crime or their families; or

(d) The defendant has not undertaken to the extent of the defendant's financial ability to pay the financial obligations under the judgment or has not posted an adequate performance bond to assure payment.

(2) In case the defendant has been convicted of a felony, and has been unable to ((furnish a bail bond)) obtain release pending the appeal by posting an appeal bond, cash, adequate security, release on personal recognizance, or any other conditions imposed by the court, the time ((he)) the defendant has been imprisoned pending the appeal shall be deducted from the term for which ((he)) the defendant was ((theretofore)) sentenced ((to the penitentiary)), if the judgment ((against him be)) is affirmed.

**NEW SECTION.** Sec. 2. A new section is added to chapter 10.64 RCW to read as follows:

A defendant who has been found guilty of a felony and is awaiting sentencing shall be detained unless the court finds by clear and convincing evidence that the defendant is not likely to flee or to pose a danger to the