

CHAPTER 50.

[S. B. 92.]

WASHINGTON STATE INDUSTRIAL RECOVERY ACT.

AN ACT to encourage state and national industrial recovery by cooperating with the national government in fostering fair competition, providing penalties for violation and declaring that this Act shall take effect immediately.

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

SECTION 1. A state-wide emergency productive of widespread unemployment and disorganization of industry, which burdens commerce, affects the public welfare and undermines the standards of living of the people of the State of Washington hereby is declared to exist, and it hereby is recognized that such an emergency exists throughout the nation. It hereby is declared to be the policy of this state to provide for the general welfare by cooperating with and assisting the national government in promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanction and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industry, to avoid undue restriction of production except as may be temporarily required, to increase the consumption of industrial and agricultural products, increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and conserve natural resources, and otherwise as announced in the Act of Congress entitled: "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," approved June 16, 1933,

Industrial emergency.

Cooperation with national government.

and known as the "National Industrial Recovery Act."

President may utilize such state and local officers as the Governor may designate.

SEC. 2. To effectuate the policy of this act, the Governor hereby is authorized to consent that the President of the United States may utilize such state and local officers and employes of the State of Washington and of its subdivisions as the Governor may designate in effectuating the policies of the National Industrial Recovery Act, in accordance with the provisions of section 2 (a) of said act: *Provided, however,* That no department of this state, governing body of any subdivision, municipal corporation or district charged with letting contracts for the purchase of materials or supplies for public use shall be charged with the responsibility of the enforcement hereof or with the responsibility of the enforcement of any code of fair competition except to require persons, natural or artificial, furnishing such materials or supplies to indicate that such materials or supplies have been furnished by a person who is a party to or subject to a code of fair competition, agreement, or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act.

Compliance with code.

SEC. 3. (a) No person, firm, corporation or association, shall refrain from complying with the provisions of any code of fair competition, agreement or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act on the ground that he or it is not engaged in transactions in, or affecting "interstate or foreign commerce" as defined in paragraph (d) of section 7 of title I of the National Industrial Recovery Act.

Standards of code of fair competition.

(b) The terms and conditions of any code of fair competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act for any trade or industry

thereof, shall be considered as the standards of fair competition for such trade or industry or subdivision thereof in all of its transactions within the State of Washington. The violation of such standards by any person engaged in such trade or industry or subdivision within the State of Washington shall be deemed the use of unfair methods of competition:

Provided, however, That nothing in this act contained shall be held to affect or supersede any contract or agreement as to any standard or standards of conditions of employment agreed upon or established by means of collective bargaining between employers and employes, or by and between or with organizations of employers or of employes, where any such standard of condition of employment is higher or more advantageous to employes under such collective agreement than the corresponding standard provided under a fair code of competition established under the National Industrial Recovery Act, and where such standard otherwise will promote and effectuate the policy of said act, or to prevent employers and employes from making any such contracts or agreements which do not violate the terms of such code.

Prior contracts more advantageous to employes not affected.

SEC. 4. (a) When a code of fair competition has been approved or prescribed by the President under the National Industrial Recovery Act, any violation of any provision thereof in any transaction within this state not in or affecting "interstate or foreign commerce" within the definition thereof as aforesaid, shall be a misdemeanor and, upon conviction thereof, an offender shall be fined not more than five hundred dollars (\$500) for each offense, and each day such violation continues shall be deemed a separate offense.

Violation of approved code of fair competition.

Penalty.

(b) Any person, firm, co[r]poration or association subject to and complying with the terms and conditions of any code of fair competition, agree-

Action instituted.

ment or licensed [license], approved, prescribed, or issued under the terms of the National Industrial Recovery Act for any trade or industry or subdivision thereof within the State of Washington may institute and prosecute in the supreme court of the State of Washington an action to prevent and restrain any violation of any provision of said code of fair competition, agreement or license in any transaction within the State of Washington not in or affecting "interstate or foreign commerce" as herein defined. Such action may be filed and prosecuted by the attorney general of the State of Washington or by the prosecuting attorney of the county in which such violation may occur, in the name of the people of the State of Washington.

Action may be filed and prosecuted by attorney general or prosecuting attorney.

Act not to be construed as denying rights of workers.

Provided, however, That nothing in this act shall be construed by any public official or court as denying or declaring illegal the right of workers to organize and bargain collectively through representatives of their own choosing without interference, restraint or coercion of employers of labor or their agents, in the designation of such representatives, or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; that no employe and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing; that no provisions of this act shall be construed to repeal or in any way modify the terms of the public works labor provisions now in effect in the State of Washington or heretofore approved or of any other law for the protection of workers in the state. The provisions of this act shall instead be construed to supplement such laws.

SEC. 5. While this act is in effect, or in the case of a license while paragraph (a) of section 4 of title

I of the National Industrial Recovery Act is in effect, and for sixty days thereafter, any code of fair competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act, and any action complying with the provisions thereof, including the acts of any person or persons interested in any trade or industry or subdivision thereof in meeting, conferring or agreeing upon any code of fair competition taken during such period, shall be exempt from the provisions of any law of the State of Washington in conflict with this act, or any court order or decree issued thereunder, whether or not such trade or industry or subdivision thereof is engaged in transactions in or affecting "interstate or foreign commerce" as heretofore defined.

Exemption from provisions of conflicting laws.

SEC. 6. In furtherance of the purposes and policies of this act and of the National Industrial Recovery Act, any department of this state and the governing body of any subdivision, municipal corporation or district, and any public officer or person charged with letting contracts for (1) the construction, alteration or repair of public works, or (2) the purchasing of materials or supplies for public use, or (3) the utilization of transportation or services, other than personal services, for public use, shall let such contracts only to those persons, natural or artificial, who agree in and by the terms of such contracts to use or supply only articles, materials and supplies mined, produced, manufactured or supplied, or such services furnished, by a person who is a party to or subject to a code of fair competition, agreement or license, approved, prescribed or issued under the terms of the National Industrial Recovery Act for the trade or industry or subdivision thereof mining, producing, manufacturing or supplying such articles, materials or supplies, or furnishing such services. Any practices in viola-

Restrictions in letting of contracts.

Prior con-
tracts not
affected.

tion of such contracts shall be deemed the use of unfair methods of competition within the meaning of this act: *Provided*, That all contracts entered into previously to the passage of this act and now in force shall not be affected hereby.

Act does
not affect
§§ 7642 to
7657, Rem.
Rev. Stat.

SEC. 7. That nothing herein contained shall be construed to repeal or modify Remington's Revised Statutes sections 7642 to 7657 inclusive or to repeal or modify any other state law now in force fixing hours of employment and/or wages therefor.

Expiration
of act.

SEC. 8. This act shall remain in full force and effect until June 16, 1935, unless terminated sooner, as provided in paragraph (c) of section 2 of title I of the National Industrial Recovery Act, if the President shall by proclamation or Congress shall by joint resolution declare that the national emergency recognized by this act, and the National Industrial Recovery Act has ended.

Invalidity
of part shall
not affect
balance.

SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, and the application of such provisions to other persons or circumstances, shall remain in full force and effect and shall not be affected thereby.

Title.

SEC. 10. This act may be known and cited as the Washington State Industrial Recovery Act.

Effective
immediately.

SEC. 11. It hereby is adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval by the governor.

Passed the Senate January 2, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 17, 1934.