

To Fill Unexpired Term

No. ....

2 (or 4) year term

Vote for One

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NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

After the effective date of this amendatory act, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more and being in a class AA county, shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at the effective date of this amendatory act. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

Sec. 11. Section 29.13.060, chapter 9, Laws of 1965 and RCW 29.13-.060 are each amended to read as follows:

In class AA and class A counties, first class school districts containing a city of the first class shall hold their election biennially on the Tuesday following the first Monday in November of each odd-numbered year.

Except as provided in section 10 of this amendatory act, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified.

NEW SECTION. Sec. 12. This amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979.

NEW SECTION. Sec. 13. If any provision of this amendatory 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 May 2, 1979.

Passed the House April 4, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

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CHAPTER 184

[Engrossed Senate Bill No. 2852]

IMPASSE PROCEDURES FOR UNIFORMED PERSONNEL

AN ACT Relating to impasse procedures for uniformed personnel; amending section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450; amending section 5, chapter 131, Laws of 1973 and RCW 41.56.460; and declaring an emergency.

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

Section 1. Section 3, chapter 131, Laws of 1973 as last amended by section 1, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.440 are each amended to read as follows:

~~((Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner. Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the commission shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the commission. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.~~

~~Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the commission.~~

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460.)

Negotiations between a public employer and the bargaining representative in a unit of uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If no agreement has been reached sixty days after the commencement of such negotiations then, at any time thereafter, either party may declare that an impasse exists and may submit the dispute to the commission for mediation, with or without the concurrence of the other party. The commission shall appoint a mediator, who shall forthwith meet with the representatives of the parties, either jointly or separately, and shall take such other steps as he or she may deem appropriate in order to persuade the parties to resolve their differences and effect an agreement: PROVIDED, That a mediator does not have a power of compulsion.

Sec. 2. Section 4, chapter 131, Laws of 1973 as last amended by section 2, chapter 14, Laws of 1975-'76 2nd ex. sess. and RCW 41.56.450 are each amended to read as follows:

~~(If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the commission, which shall then name one from each list as members to the panel, all within two days: PROVIDED, That this forty-five day time period may be modified by mutual written agreement of the representatives of the public employer and uniformed personnel. The two appointed members shall utilize 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) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.~~

~~If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the executive director and a state agency for the purposes of \*this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within~~

five days after the formation of the arbitration panel and take oral or written testimony:

~~Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.~~

~~The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel 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:))~~

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 arbitration panel shall be created to resolve the dispute. Within five 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 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 days, the two appointed members shall utilize 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 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 court shall have jurisdiction to issue an appropriate order. Any failure to obey such 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 5, chapter 131, Laws of 1973 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 personnel of cities and counties respectively 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.
- (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.

~~((g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440.))~~

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 2, 1979.

Passed the House May 4, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

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## CHAPTER 185

[Engrossed Second Substitute Senate Bill No. 3033]

### IRRIGATION DISTRICTS—HYDROELECTRIC GENERATION DEVELOPMENT—POWERS AND DUTIES

AN ACT Relating to irrigation districts; amending section 2, chapter 138, Laws of 1923 as last amended by section 1, chapter 206, Laws of 1967 and RCW 87.03.015; amending section 11, page 677, Laws of 1889-90 as last amended by section 5, chapter 129, Laws of 1921 and RCW 87.03.115; amending section 37, page 690, Laws of 1889-90 as last amended by section 7, chapter 171, Laws of 1939 and RCW 87.03.445; amending section 2, chapter 31, Laws of 1933 and RCW 87.03.450; amending section 11, chapter 162, Laws of 1917 as last amended by section 1, chapter 70, Laws of 1970 ex. sess. and RCW 87.03.485; amending section 1, chapter 57, Laws of 1949 as amended by section 1, chapter 74, Laws of 1973 and RCW 87.28.010; amending section 2, chapter 57, Laws of 1949 as last amended by section 2, chapter 74, Laws of 1973 and RCW 87.28.020; amending section 3, chapter 57, Laws of 1949 as amended by section 3, chapter 74, Laws of 1973 and RCW 87.28.030; amending section 4, chapter 57, Laws of 1949 and RCW 87.28.035; amending section 5, chapter 57, Laws of 1949 and RCW 87.28.040; amending section 8,