

31st of each year. The assessed valuation of the mobile home shall be considered as of the (~~April 30th~~) July 31st immediately preceding the date that the mobile home is placed on the assessment roll.

**NEW SECTION.** Sec. 3. 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 House March 12, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor April 21, 1987.

Filed in Office of Secretary of State April 21, 1987.

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## CHAPTER 135

[Substitute Senate Bill No. 5312]

### STATE PATROL—COLLECTIVE BARGAINING

AN ACT Relating to collective bargaining; amending RCW 41.56.020 and 41.56.030; and adding a new section to chapter 41.56 RCW.

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 107, chapter 7, Laws of 1985 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 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 1, chapter 150, Laws of 1984 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.

(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.

(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.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(6), the provisions of RCW 41.56.430, 41.56.440, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) The mediator shall not consider wages and wage-related matters.

(2) The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this section shall be construed to prohibit the public employer and a bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure.

(3) If the public employer and a bargaining representative are unable to reach an agreement in mediation, either party, by written notice to the other party and to the commission, may request that the matters in dispute be submitted to a fact-finder for recommendations. If the executive director, upon the recommendation of the mediator, finds that the parties remain at an impasse after a reasonable period of negotiations, the executive director shall initiate fact-finding proceedings.

(a) The executive director shall provide the parties with a list of five persons qualified to serve as the neutral fact-finder. The parties shall without delay attempt to agree upon a fact-finder from the list provided by the commission or to agree upon some other person as a fact-finder. Upon the failure of the parties to agree upon a fact-finder within seven days after the issuance of the list, the commission shall, upon the request of either party, appoint a fact-finder. The commission shall not appoint as fact-finder the same person who acted as mediator in the dispute.

(b) The fact-finder shall promptly establish a date, time, and place to meet with the representatives of the parties and shall provide reasonable notice of the meeting to the parties to the dispute. The requirements of chapter 34.04 RCW shall not apply to fact-finding proceedings. The fact-finder shall make inquiries and investigations, hold hearings, and take such other steps as he or she deems appropriate. The fact-finder may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

(c) The fact-finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how their dispute should be resolved. A copy shall be delivered or mailed to each of the parties to the dispute. A copy shall be filed with the commission. The findings and recommendations of the fact-finder are advisory only.

(d) The findings and recommendations of the fact-finder shall be held in confidence among the fact-finder, the public employer, the bargaining representative, and the commission for seven calendar days following their issuance, to permit the public employer and the bargaining representative to study the recommendations. No later than seven calendar days following the issuance of the recommendations of the fact-finder, each party shall notify the commission and the other party whether it accepts or rejects, in whole or in part, the recommendations of the fact-finder. If the parties remain in disagreement following the expiration of the seven-day period, the findings and recommendations of the fact-finder may be made public.

(e) The fees and expenses of the fact-finder shall be paid by the parties to the dispute, in equal amounts. All other costs of the proceeding shall be paid by the party incurring those costs. Nothing in this section prohibits an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, some other impasse procedure or from agreeing to some other allocation of the costs of fact-finding between them.

**NEW SECTION.** Sec. 4. 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 February 26, 1987.

Passed the House April 1, 1987.

Approved by the Governor April 22, 1987.

Filed in Office of Secretary of State April 22, 1987.

## CHAPTER 136

[Substitute House Bill No. 424]

### SCHOOL DISTRICT EMPLOYEES'—PUBLIC EMPLOYEES' RETIREMENT SYSTEM CREDIT REQUIREMENTS REVISED

AN ACT Relating to service credit of school district employees; and amending RCW 41.40.450.

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

Sec. 1. Section 1, chapter 23, Laws of 1973 as amended by section 2, chapter 69, Laws of 1983 and RCW 41.40.450 are each amended to read as follows:

(1) Notwithstanding any other law, or rule or regulation of the director, any member employed by the school district who is actually employed by the district on a continuous nine month basis and who earns at least nine months of service credit under RCW 41.40.010(9) during the school district's fiscal year shall receive credit for twelve months of service.

(2) The provisions of subsection (1) of this section shall be effective on a retroactive basis for all members who retire after the effective date of this 1987 act.

Passed the House March 13, 1987.

Passed the Senate April 9, 1987.

Approved by the Governor April 22, 1987.

Filed in Office of Secretary of State April 22, 1987.

## CHAPTER 137

[House Bill No. 1180]

### HIGHER EDUCATION RESIDENCY REQUIREMENTS—RESIDENCY GRANTED FOR CERTAIN OUT-OF-STATE STUDENTS WHO ATTENDED AN IN-STATE HIGH SCHOOL

AN ACT Relating to residency requirements for students who have attended Washington high schools recently; and amending RCW 28B.15.012.

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

Sec. 1. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 62, chapter 370, Laws of 1985 and RCW 28B.15.012 are each amended to read as follows: