

representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel his license until all taxes are paid.

NEW SECTION. Sec. 3. There is hereby added to chapter 66.24 RCW a new section to read as follows:

There is hereby imposed upon every licensed wine wholesaler who possesses wine for resale upon which the tax has not been paid under section 2 of this 1973 amendatory act, a floor stocks tax of sixty-five cents per wine gallon on wine in his possession or under his control on June 30, 1973. Each such wholesaler shall within twenty days after June 30, 1973, file a report with the Washington State liquor control board in such form as the board may prescribe, showing the wine products on hand July 1, 1973, converted to gallons thereof and the amount of tax due thereon. The tax imposed by this section shall be due and payable within twenty days after July 1, 1973, and thereafter bear interest at the rate of one percent per month.

NEW SECTION. Sec. 4. This 1973 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 the first day of July, 1973.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

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CHAPTER 205

[Engrossed Senate Bill No. 2153]

COMMUNITY COLLEGES--PROFESSIONAL NEGOTIATIONS

AN ACT Relating to community college districts; amending section 2, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.020; amending section 3, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.030; amending section 5, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.060; amending section 7, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.080; adding a new

section to chapter 196, Laws of 1971 ex. sess. and to chapter 28B.52 RCW; and creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 2, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.020 are each amended to read as follows:

As used in this chapter:

"Employee organization" means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

"Academic employee" means any teacher, counselor, librarian, or department head, (~~division head, or administrator,~~) who is employed by any community college district, with the exception of the chief administrative officer of, and any administrator in, each community college district.

"Administrator" means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with section 5 of the 1973 amendatory act.

Sec. 2. Section 3, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.030 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district, shall have the right, after using established administrative channels, to meet, confer and negotiate with the board of trustees of the community college district (~~or a committee thereof~~) or its delegated representative(s) to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties.

V It is further determined that any agreement involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. And unless other arrangements are

agreed upon between the labor organization and the employee, such employee must pay an amount of money equivalent to regular dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the board shall designate such organization.

Sec. 3. Section 5, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.060 are each amended to read as follows:

In addition to the authority to convene an impasse committee, the director of the state system of community colleges is authorized to conduct fact-finding and mediation activities upon the consent of both parties as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, with the concurrence of the director, request the assistance and advice of a committee ((composed of educators and community college district trustees)) appointed by the director ((of the state system of community colleges)). This committee ((shall)) may make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of trustees or the employee organization.

The state board for community college education is authorized to make rules governing the operations of impasse committees.

NEW SECTION. Sec. 4. There is added to chapter 196, Laws of 1971 ex. sess. and to chapter 28B.52 RCW a new section to read as follows:

At the conclusion of any negotiation processes as provided for in section 2 of this 1973 amendatory act, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. The length of terms within any such agreement shall be for not more than three fiscal years. These agreements will not be binding upon future actions of the legislature.

Sec. 5. Section 7, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.080 are each amended to read as follows:

Boards of trustees of community college districts shall adopt

reasonable rules and regulations for the administration of employer-employee relations under this chapter. The boards may request the services of the department of labor and industries to assist in the conduction of certification elections as provided for in section 2 of this 1973 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 196, Laws of 1971 ex. sess. and chapter 28B.52 RCW a new section to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 as now or hereafter amended be construed as limiting or precluding the exercise by each community college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement.

NEW SECTION. Sec. 7. If any provision of this 1973 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.

NEW SECTION. Sec 8. This 1973 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 immediately.

Passed the Senate March 27, 1973.

Passed the House April 9, 1973.

Approved by the Governor April 26, 1973, with the exception of an item in section 2 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to one item, Engrossed Senate Bill No. 2153, entitled:

Veto  
Message

"AN ACT Relating to community college districts."

Senate Bill No. 2153 amends the Community College Professional Negotiations Act and it represents the extensive efforts of the Joint Committee on Higher Education in conjunction with faculty organizations and administrators to develop needed procedural amendments to that act. This is desirable legislation which I fully support.

A floor amendment to section 2 of the bill was added <sup>Veto</sup> in the Senate which provides that: <sup>Message</sup>

"It is further determined that any agreement involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member."

This amendment then provides that such an employee must pay an amount of money equivalent to regular dues and initiation fees and assessments, if any, to a charitable organization.

The floor amendment added in the Senate is relatively standard language inserted where legislation authorizes an agency or union shop provision. However, Chapter 28B.52 RCW, of which this section will become a part, does not specifically authorize an agency or union shop. In fact, a section contained in that Chapter specifically states that there shall be no discrimination against academic employees or applicants for such positions because of their membership or non-membership in employee organizations.

The addition of this paragraph in section 2 could be interpreted as enlarging the scope of negotiations by allowing academic employees to negotiate an agency or union shop clause in collective bargaining agreements. I do not believe such a consequence should be allowed to occur as a result of an inference from language intended for an entirely different purpose.

If an agency or union shop clause could be negotiated under current law this language assuring religious freedom would be highly desirable. But, since there is not currently legal authorization for an agency or union shop, I have determined to veto the item contained within lines 20 through 33 of page 2 of Engrossed Senate Bill No. 2153.

With the exception of that item, the remainder of the bill is approved."