

approved transportation equipment received by school districts shall be held within the general fund exclusively for the future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170 and chapter 28A.65 RCW.

Passed the House April 24, 1981.

Passed the Senate April 22, 1981.

Filed in Office of Secretary of State May 19, 1981, without the Governor's signature.

CHAPTER 344

[Engrossed Senate Bill No. 3359]

STATE FERRY SYSTEM EMPLOYMENT—APPROPRIATION

AN ACT Relating to the ferry system; amending section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050; amending section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010; adding a new section to chapter 41.06 RCW; adding a new section to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; repealing section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; repealing section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030; prescribing penalties; making an appropriation; and declaring an emergency.

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

Section 1. Section 47.64.010, chapter 13, Laws of 1961 as amended by section 33, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.010 are each amended to read as follows:

Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) (~~"Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall~~) "Department" means the Washington (~~(toll bridge authority)~~) department of transportation as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) "Commission" means public employment relations commission;

(3) "Ferry" (~~(shall)~~) means any ferry, ferry system, wharves, or terminals constructed or acquired under the authority of the Washington (~~(toll bridge authority)~~) department of transportation;

(4) "Employee" (~~(shall)~~) means any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington (~~(toll bridge authority)~~) department of transportation.

NEW SECTION. Sec. 2. There is added to chapter 47.64 RCW a new section to read as follows:

(1) The department shall employ such persons as are necessary for the safe and efficient operation of the state ferry system in accordance with the state-wide marine classification and compensation plan adopted by the state personnel board pursuant to section 7 of this act. The department may allocate and reallocate positions within the classification plan as it deems necessary.

(2) The transportation commission shall adopt personnel rules for the employees of the ferry system governing hours, working conditions, recruitment, appointment, promotion, demotion, discipline, dismissal and all other personnel matters which are within the discretion of the commission, and not determined by the classification and compensation plan. The department shall administer the personnel rules so adopted, and shall from time to time propose to the commission such changes to the rules as are in the best interests of the public.

(3) The public employment relations commission shall adjudicate all complaints, grievances, and disputes concerning labor arising out of the operation of the ferry system in the best interests of the efficient operation of the ferry system in accordance with the authority vested in it by chapters 41.56 and 41.58 RCW. The commission shall conclusively determine labor disputes arising out of the application of personnel policies by the department and all other personnel matters over which the department may lawfully exercise discretion. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing who shall represent him in all respects before the commission.

NEW SECTION. Sec. 3. There is added to chapter 47.64 RCW a new section to read as follows:

(1) For purposes of efficient, dependable, and equitable personnel management, the provisions of this chapter and the state-wide maritime classification and compensation plan adopted by the state personnel board shall apply, after the effective date of this act, to the employees of the Washington state ferries.

(2) The employees of Washington state ferries under this chapter shall continue to have the right to affiliate with the employees' existing unions or other employee organizations of their choice and shall have the right to bargain collectively with the department of transportation regarding grievance procedures and all personnel matters over which the department of transportation may lawfully exercise discretion.

(3) This chapter shall not affect the provisions of any existing collective bargaining agreement entered into prior to the effective date of this act, or any order of the public employment relations commission issued prior to the effective date of this act.

(4) Each employee of the Washington state ferries shall remain subject to the classification and compensation provisions of the applicable collective bargaining agreement in effect on the effective date of this act, until the termination of the collective bargaining agreement and thereafter until the employee's position has been duly classified and incorporated into the state-wide maritime classification and compensation plan by the state personnel board and department of personnel.

(5) No permanent employee of the Washington state ferries may be required to pass a competitive examination to retain the position held by the employee on the effective date of this act, or held by the employee on the termination date of a collective bargaining agreement in force on the effective date of this act which governs the conditions of employment of the employee, whichever date is later.

NEW SECTION. Sec. 4. There is added to chapter 47.64 RCW a new section to read as follows:

(1) It is unlawful for any employee of the Washington state ferry system or any employee organization, representing such employees, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike.

(2) "Strike" means concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in the conditions or compensation or the rights, privileges, or obligations of employment.

(3) If an employee, a group of employees, an employee organization or any officer, agent, or representative of any employee organization engages in a strike in violation of subsection (1) of this section or if there is a clear, real, and present danger that such a strike is imminent, the state of Washington may file suit to restrain or enjoin the strike in the superior court having proper jurisdiction and proper venue of such actions in accordance with superior court civil rules.

(4) In the event of any violation or imminently threatened violation of subsection (1) of this section, any citizen domiciled within the jurisdictional boundaries of the state of Washington who is or may be affected by the violation may petition the superior court for the county in which the violation occurs for a restraining order or an injunction in accordance with superior court civil rules. The plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest.

(5) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the court

shall immediately hear contempt proceedings in accordance with superior court civil rules.

(a) An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the employee group in violation. In no event may the fine exceed two thousand five hundred dollars for each calendar day that the violation is in progress.

(6) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(7) The court may receive and collect any fines imposed pursuant to this section and disburse such funds pursuant to law.

NEW SECTION. Sec. 5. There is added to chapter 47.60 RCW a new section to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, including the Hood Canal bridge, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing fiscal year. The commission on or before April 1st shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing twelve-month period commencing May 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, May 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

(a) The amount of subsidy available to the ferry system for maintenance and operation;

(b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

(d) The efficient distribution of traffic between cross-sound routes;

(e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;

(f) The effect of proposed fares in increasing walk-on and vehicular passenger use;

(g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;

(h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the appropriation from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

Sec. 6. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 55, chapter 151, Laws of 1979 and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: **PROVIDED**, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: **PROVIDED**, (~~That nothing herein shall be a limitation on employees employed~~

~~under chapter 47.64 RCW. PROVIDED FURTHER,))~~ That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. Sec. 7. There is added to chapter 41.06 RCW a new section to read as follows:

(1) The state personnel board shall adopt and from time to time revise a state-wide marine classification and compensation plan for all positions in the Washington state ferry system, based on an investigation and analysis of the duties and responsibilities of each such position, which shall be accomplished generally in the manner prescribed in RCW 41.06.140 through 41.06.165. The plan shall be forwarded to the transportation commission and department of transportation for their use, and the department may allocate and reallocate positions within the classification plan as it deems necessary for the efficient operation of the ferry system.

(2) In each even-numbered year the department of personnel shall prepare a comprehensive salary and fringe benefit survey plan for ferry system employees, generally in the manner prescribed by RCW 41.06.140 through 41.06.165. The plan shall be forwarded to the transportation commission for its use in preparing the department of transportation budget for submission to the legislature, and a copy of the data and supporting documentation shall be submitted to the legislative transportation committee.

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. There is appropriated to the department of personnel for the biennium ending June 30, 1983, from the motor vehicle fund, the sum of twenty thousand dollars or so much thereof as may be necessary, to prepare recommendations to the state personnel board for the classification of the positions of employees of the Washington state ferries in accordance with section 7 of this act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 24, Laws of 1972 ex. sess. and RCW 47.60.325; and

(2) Section 47.64.030, chapter 13, Laws of 1961, section 34, chapter 296, Laws of 1975 1st ex. sess. and RCW 47.64.030.

NEW SECTION. Sec. 11. 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 25, 1981.

Passed the House April 25, 1981.

Filed in Office of Secretary of State May 19, 1981, without the Governor's signature.

CHAPTER 345

[Senate Bill No. 3356]

IRRIGATION DISTRICTS—ELECTIONS—ENERGY CONSERVATION

AN ACT Relating to irrigation districts; amending section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075; amending section 8, page 675, Laws of 1889-90 and RCW 87.03.100; and adding a new section to chapter 87.03 RCW.

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

Section 1. Section 2, chapter 171, Laws of 1941 as last amended by section 1, chapter 68, Laws of 1963 and RCW 87.03.075 are each amended to read as follows:

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration in writing of their candidacy, or a petition of nomination as hereinafter provided, not ~~((less than twenty days before the day of the election))~~ later than five o'clock p.m. on the first Monday in November. Ballots shall contain space for sticker voting or for the writing in of the name of an undeclared candidate. A person filing a declaration of candidacy, or petition of nomination as hereinafter provided, shall designate therein the position for which he is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district a petition of nomination signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not ~~((less than twenty days before the day of election))~~ later than five o'clock p.m. on the first Monday in November. If, after the expiration of the date for filing