

CHAPTER 5

[House Bill No. 1230]

PUBLIC EMPLOYMENT LABOR
RELATIONS COMMISSION

AN ACT Relating to public employment labor relations; adding new sections to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and repealing section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100; prescribing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

(1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. The commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the commission if that person's appointment shall have been rejected by the senate during the next legislative session. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chairman of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

NEW SECTION. Sec. 2. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

(1) Each member of the commission shall be paid fifty dollars for each day in which he has actually attended a meeting of the commission officially held. The members of the commission may receive any number of daily payments for official meetings of the commission actually attended. Members of the commission shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally in chapter 43.03 RCW.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. He shall perform such duties and have such powers as the commission shall prescribe in order to carry out the provisions of this chapter, including assisting employees and employers in the settlement of labor disputes through mediation and fact-finding. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, in matters concerning the investigation of charges and issuance of complaints under this chapter.

(3) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(4) The payment of all of the expenses of the commission, including all necessary traveling and subsistence expenses outside the city of Olympia incurred by the members or employees of the commission under its orders, shall be subject to the presentation of itemized vouchers therefor approved by the commission or by any individual it designates for that purpose and to the applicable provisions of chapter 43.03 RCW and the regulations promulgated thereunder.

NEW SECTION. Sec. 3. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

All employees of the department of labor and industries classified under the provisions of chapter 41.06 RCW, the state civil service law, whose positions are entirely concerned with functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall be transferred to the jurisdiction of the commission.

NEW SECTION. Sec. 4. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the marine employee commission, the office of the superintendent of public instruction, the state board for community college education, and the department of labor and industries and pertaining to the functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the functions transferred by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be transferred to the commission.

Any appropriation or portion thereof remaining as of January 1, 1976, and which is made to an agency for the purpose of carrying out functions transferred from such agency pursuant to chapter 296, Laws of 1975 1st ex. sess., shall, by January 1, 1976, be transferred and credited to the commission for the purpose of

carrying out such functions. This paragraph shall not affect the transfer of moneys prior to January 1, 1976, pursuant to section 67, chapter 169, Laws of 1975 1st ex. sess.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the performance of the functions transferred under chapter 296, Laws of 1975 1st ex. sess., the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 5. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

Where transfers of budgeted funds or equipment are required under this act, the director of program planning and fiscal management shall certify such transfers to the agencies affected, the state auditor and the state treasurer all of whom shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 6. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

On January 1, 1976, all rules and regulations, and all business pending before the agencies or divisions thereof from whom functions are transferred pursuant to chapter 296, Laws of 1975 1st ex. sess. and which pertain to such functions shall be continued and acted upon by the commission. All existing contracts and obligations pertaining to such functions shall remain in full force and effect, but shall be performed by the commission in lieu of the agency from whom the functions are transferred. The transfer of any functions shall not affect the validity of any act performed by such agency or division thereof or any officer or employee thereof prior to the effective date of the transferral of such functions.

Notwithstanding any other provisions of this act, contracts or agreements are authorized between the commission and other agencies with respect to functions transferred from other agencies pursuant to chapter 296, Laws of 1975 1st ex. sess. Such contract or agreement may provide for an employee or employees of such other agencies or other person or persons to continue to provide services relating to pending business which is transferred to the commission as of January 1, 1976, until such pending business is completed.

NEW SECTION. Sec. 7. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020;

(2) Section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060;

(3) Section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and

(4) Section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100.

NEW SECTION. Sec. 8. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

Sections 4, 6, and 8 through 39 of chapter 296, Laws of 1975 1st ex. sess. shall not be effective until January 1, 1976.

NEW SECTION. Sec. 9. 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 on September 8, 1975, except for the provisions of sections 6 and 7 which shall be effective on January 1, 1976.

Passed the House September 6, 1975.

Passed the Senate September 6, 1975.

Approved by the Governor September 9, 1975.

Filed in Office of Secretary of State September 9, 1975.

CHAPTER 6

[House Bill No. 1240]

APPROPRIATION—SOUTH KING
COUNTY ACTIVITIES CENTER

AN ACT Relating to appropriations; amending section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

| | Reappro- priations | From the Fund Designated |
|--|-----------------------|-----------------------------|
| (1) For the Adult Correction Program | | |
| (a) Construct and equip Automotive Vocational Training Building—Washington State Penitentiary | | |
| General Fund | 89,400 | |
| (b) Locking system for wing six—Washington State Penitentiary | | |
| General Fund | 8,310 | |
| (c) Fire and safety improvements, Washington State Penitentiary | | |
| General Fund | | 151,000 |
| (d) Modification of existing laundry facilities, Washington State Reformatory | | |
| CEP & RI Account | | 130,000 |
| (e) Modernization of resident (inmate) living areas—Washington State Reformatory | | |
| General Fund | 477,751 | |
| (f) Construct and equip new Women's Correctional Institution—Purdy Treatment Center for Women (17,229) | | |