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HOUSE BILL 1838

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Jacobsen, Cole, Dickerson, Conway, Cody, Hatfield and Quall

Read first time 02/10/95. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the use of nonmajor league baseball replacement  
2 players; amending RCW 67.30.010; adding a new section to chapter 49.32  
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that  
6 major league baseball has a deeply rooted cultural tradition in  
7 America. The tradition of baseball mirrors the historic and social  
8 fabric of our nation, thus strong emotional and sometimes passionate  
9 ties have developed between major league baseball teams and their fans.

10 The legislature further finds that the federal government exemption  
11 of major league baseball from laws regulating monopolies has created an  
12 inseparable economic tie between major league baseball teams and the  
13 cities they serve. Subsequent rulings on the National Labor Relation  
14 Act of 1935 have led to the understanding that "conduct which touches  
15 interests so deeply rooted in local feeling and responsibility may  
16 continue to be regulated by state law." These socioeconomic ties,  
17 which have developed over the past century, have made maintaining the  
18 purity of major league baseball in the direct social and economic  
19 interest of the state.

1       The legislature further finds and declares that the use of nonmajor  
2 league-caliber replacement players would undermine the integrity of  
3 major league baseball and cause unnecessary strife. Recent polls  
4 clearly show that the majority of season ticket holders do not support  
5 the use of nonmajor league replacement players and would rather forfeit  
6 a game than be forced to watch teams consisting of replacement players.

7       The legislature further finds that the use of nonmajor league  
8 replacement players will be viewed as consumer fraud by the public.  
9 Fans, who purchase tickets at major league prices as well as watch and  
10 listen to major league baseball on pay television or radio, are  
11 expecting major league-caliber players. They expect and demand to see  
12 the most skillful and competent players available in the world.  
13 Replacement players will not come near to meeting these standards and,  
14 therefore, pose a threat to the integrity of major league baseball  
15 teams.

16       The legislature further finds that Washington state, as well as  
17 local merchants, all have economic interests in the rentals of vending  
18 booths and the commerce that is generated by the local teams that serve  
19 the state. The state, particularly in these tough economic times, can  
20 not afford to absorb the effects of a prolonged labor dispute involving  
21 the owners of major league baseball teams and professional baseball  
22 players.

23       NEW SECTION.   **Sec. 2.** A new section is added to chapter 49.32 RCW  
24 to read as follows:

25       (1) Unless the context clearly requires otherwise, the definitions  
26 in this subsection apply throughout this section.

27       (a) "Labor dispute" means a controversy concerning economic terms  
28 or conditions of employment.

29       (b) "Nonmajor league baseball replacement player" means a person  
30 who has not, before January 1, 1995, signed a contract with or played  
31 on a major league baseball team. "Nonmajor league baseball replacement  
32 player" includes a person who has signed a contract and played on a  
33 major league farm team or an affiliated team.

34       (c) "Owner" means a person, private firm, or corporation that  
35 employs twenty-five or more persons to perform athletic services for a  
36 baseball team under an express or implied contract. "Owner" also  
37 includes a person, private firm, or corporation acting directly or  
38 indirectly as an agent of an employer.

1 (2) Notwithstanding the other provisions of this chapter, the  
2 attorney general may apply in the supreme court of this state for an  
3 injunction to prohibit the use of nonmajor league baseball replacement  
4 players by an owner involved in a labor dispute.

5 **Sec. 3.** RCW 67.30.010 and 1967 c 166 s 2 are each amended to read  
6 as follows:

7 The participation of counties and cities in multipurpose sports  
8 stadia which may be used for football, baseball, soccer, conventions,  
9 home shows or any and all similar activities; the purchase, lease,  
10 condemnation, or other acquisition of necessary real property therefor;  
11 the acquisition by condemnation or otherwise, lease, construction,  
12 improvement, maintenance, and equipping of buildings or other  
13 structures upon such real property or other real property; the  
14 operation and maintenance necessary for such participation, and the  
15 exercise of any other powers herein granted to counties and cities, are  
16 hereby declared to be public, governmental, and municipal functions,  
17 exercised for a public purpose, and matters of public necessity, and  
18 such real property and other property acquired, constructed, improved,  
19 maintained, equipped, and used by counties and cities in the manner and  
20 for the purposes enumerated in this chapter shall and are hereby  
21 declared to be acquired, constructed, improved, maintained, equipped  
22 and used for public, governmental, and municipal purposes and as a  
23 matter of public necessity. However, a stadium built under this  
24 chapter may not be used for the playing of baseball by nonmajor league  
25 baseball replacement players as defined in section 2 of this act.

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