

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1188

Chapter 438, Laws of 2005

59th Legislature
2005 Regular Session

STATE PATROL--WAGE NEGOTIATIONS

EFFECTIVE DATE: 7/24/05

Passed by the House April 21, 2005
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 20, 2005
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 13, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1188** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 13, 2005 - 2:26 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1188

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Murray, Woods, Conway, O'Brien, Ericks, Condotta, Wood, Simpson, Campbell, P. Sullivan, Lovick, Williams, Chase, Hinkle and Ormsby)

READ FIRST TIME 03/01/05.

1 AN ACT Relating to negotiating state patrol officer wages and
2 wage-related matters; and amending RCW 41.56.473 and 41.56.475.

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

4 **Sec. 1.** RCW 41.56.473 and 1999 c 217 s 3 are each amended to read
5 as follows:

6 (1) In addition to the entities listed in RCW 41.56.020, this
7 chapter applies to the ((Washington)) state ((patrol)) with respect to
8 the officers of the Washington state patrol appointed under RCW
9 43.43.020(~~(. Subjects of bargaining include wage related matters)~~),
10 except that the ((Washington)) state ((patrol)) is prohibited from
11 negotiating (~~(rates of pay or wage levels and)~~) any matters relating to
12 retirement benefits or health care benefits or other employee insurance
13 benefits.

14 (2) For the purposes of negotiating wages, wage-related matters,
15 and nonwage matters, the state shall be represented by the governor or
16 the governor's designee who is appointed under chapter 41.80 RCW, and
17 costs of the negotiations under this section shall be reimbursed as
18 provided in RCW 41.80.140.

1 (3) The governor or the governor's designee shall consult with the
2 chief of the Washington state patrol regarding collective bargaining.

3 (4) The negotiation of provisions pertaining to wages and wage-
4 related matters in a collective bargaining agreement between the
5 ((Washington)) state ((patrol)) and the Washington state patrol
6 officers is subject to the following:

7 (a) The state's bargaining representative must periodically consult
8 with a subcommittee of the joint committee on employment relations
9 created in RCW 41.80.010(5) which shall consist of the four members
10 appointed to the joint committee with leadership positions in the
11 senate and the house of representatives, and the chairs and ranking
12 minority members of the senate transportation committee and the house
13 transportation committee, or their successor committees. The
14 subcommittee must be consulted regarding the appropriations necessary
15 to implement these provisions in a collective bargaining agreement and,
16 on completion of negotiations, must be advised on the elements of these
17 provisions.

18 (b) Provisions that are entered into before the legislature
19 approves the funds necessary to implement the provisions must be
20 conditioned upon the legislature's subsequent approval of the funds.

21 (5) The governor shall submit a request for funds necessary to
22 implement the wage and wage-related matters in the collective
23 bargaining agreement or for legislation necessary to implement the
24 agreement. Requests for funds necessary to implement the provisions of
25 bargaining agreements may not be submitted to the legislature by the
26 governor unless such requests:

27 (a) Have been submitted to the director of financial management by
28 October 1st before the legislative session at which the requests are to
29 be considered; and

30 (b) Have been certified by the director of financial management as
31 being feasible financially for the state or reflects the decision of an
32 arbitration panel reached under RCW 41.56.475.

33 **Sec. 2.** RCW 41.56.475 and 1999 c 217 s 4 are each amended to read
34 as follows:

35 In addition to the classes of employees listed in RCW 41.56.030(7),
36 the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470,

1 41.56.480, and 41.56.490 also apply to Washington state patrol officers
2 appointed under RCW 43.43.020 as provided in this section, subject to
3 the following:

4 (1) The mediator or arbitration panel may consider only matters
5 that are subject to bargaining under RCW 41.56.473.

6 (2) The decision of an arbitration panel is not binding on the
7 legislature and, if the legislature does not approve the funds
8 necessary to implement provisions pertaining to wages and wage-related
9 matters of an arbitrated collective bargaining agreement, is not
10 binding on the state or the Washington state patrol.

11 (3) In making its determination, the arbitration panel shall be
12 mindful of the legislative purpose enumerated in RCW 41.56.430 and, as
13 additional standards or guidelines to aid it in reaching a decision,
14 shall take into consideration the following factors:

15 (a) The constitutional and statutory authority of the employer;

16 (b) Stipulations of the parties;

17 (c) Comparison of the hours and conditions of employment of
18 personnel involved in the proceedings with the hours and conditions of
19 employment of like personnel of like employers of similar size on the
20 west coast of the United States;

21 (d) Changes in any of the foregoing circumstances during the
22 pendency of the proceedings; and

23 (e) Such other factors, not confined to the foregoing, which are
24 normally or traditionally taken into consideration in the determination
25 of matters that are subject to bargaining under RCW 41.56.473.

Passed by the House April 21, 2005.

Passed by the Senate April 20, 2005.

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.