
HOUSE BILL 2777

State of Washington 57th Legislature 2002 Regular Session

By Representatives Clements, Grant, Chandler and Lisk

Read first time 01/28/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to enhancing the competitiveness of Washington's
2 agricultural and food processing industries; amending RCW 49.46.020,
3 49.17.040, and 49.17.050; adding a new section to chapter 49.46 RCW;
4 adding a new section to chapter 49.17 RCW; and declaring an emergency.

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

6 **Sec. 1.** RCW 49.46.020 and 1999 c 1 s 1 are each amended to read as
7 follows:

8 (1) ~~((Until January 1, 1999, every employer shall pay to each of~~
9 ~~his or her employees who has reached the age of eighteen years wages at~~
10 ~~a rate of not less than four dollars and ninety cents per hour.~~

11 (2) ~~Beginning January 1, 1999, and until January 1, 2000, every~~
12 ~~employer shall pay to each of his or her employees who has reached the~~
13 ~~age of eighteen years wages at a rate of not less than five dollars and~~
14 ~~seventy cents per hour.~~

15 (3) ~~Beginning January 1, 2000, and until January 1, 2001, every~~
16 ~~employer shall pay to each of his or her employees who has reached the~~
17 ~~age of eighteen years wages at a rate of not less than six dollars and~~
18 ~~fifty cents per hour.~~

1 ~~(4)(a) Beginning on January 1, 2001, and each following~~) (a)
2 Except as set forth under (c) of this subsection, on January 1st as set
3 forth under (b) of this subsection, every employer shall pay to each of
4 his or her employees who has reached the age of eighteen years wages at
5 a rate of not less than the amount established under (b) of this
6 subsection.

7 (b) On ~~((September 30, 2000, and on each following))~~ September
8 30th, the department of labor and industries shall calculate an
9 adjusted minimum wage rate to maintain employee purchasing power by
10 increasing the current year's minimum wage rate by the rate of
11 inflation. The adjusted minimum wage rate shall be calculated to the
12 nearest cent using the consumer price index for urban wage earners and
13 clerical workers, CPI-W, or a successor index, for the twelve months
14 prior to each September 1st as calculated by the United States
15 department of labor. Each adjusted minimum wage rate calculated under
16 this subsection ~~((4))~~ (1)(b) takes effect on the following January
17 1st.

18 ~~((5))~~ (c) Every employer shall pay to each of his or her
19 employees who has reached the age of eighteen years and who performs
20 services in agriculture as defined in section 2 of this act wages at a
21 rate of not less than six dollars and ninety cents per hour.

22 (2) The director shall by regulation establish the minimum wage for
23 employees under the age of eighteen years.

24 NEW SECTION. Sec. 2. A new section is added to chapter 49.46 RCW
25 to read as follows:

26 (1) For purposes of RCW 49.46.020, "services in agriculture" means
27 employment:

28 (a) On an independent farm, in the employ of any person, in
29 connection with the cultivation of the soil, or in connection with
30 raising or harvesting any agricultural or horticultural commodity,
31 including raising, shearing, feeding, caring for, training, and
32 management of livestock, bees, poultry, and furbearing animals and
33 wildlife, or in the employ of the owner or tenant or other operator of
34 an independent farm in connection with the operation, management,
35 conservation, improvement, or maintenance of such farm and its tools
36 and equipment; or

37 (b) In office management or other support services directly related
38 to employment described in this subsection (1).

1 (2) For purposes of this section, "independent farm" means any farm
2 where the owner or tenant or other operator of the farm uses the
3 services of a separate commercial entity to transport, broker, or
4 otherwise sell and distribute the product of that farm for eventual
5 sale at retail. The director must adopt rules for the certification of
6 independent farms. Any farm without the capacity to pass-through
7 production costs using an affiliated retail seller is presumed an
8 independent farm.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
10 to read as follows:

11 Rules dealing with musculoskeletal disorders that affect services
12 in agriculture under RCW 49.46.020, adopted on May 26, 2000, by the
13 director, and codified as WAC 296-62-05101 through 296-62-05176, shall
14 have no force or effect. The director shall not adopt any new or
15 amended rules dealing with musculoskeletal disorders that are
16 substantially the same as these rules.

17 **Sec. 4.** RCW 49.17.040 and 1973 c 80 s 4 are each amended to read
18 as follows:

19 Except as provided in section 3 of this act, the director shall
20 make, adopt, modify, and repeal rules (~~and regulations~~) governing
21 safety and health standards for conditions of employment as authorized
22 by this chapter after a public hearing in conformance with the
23 administrative procedure act and the provisions of this chapter. At
24 least thirty days prior to such public hearing, the director shall
25 cause public notice of such hearing to be made in newspapers of general
26 circulation in this state, of the date, time, and place of such public
27 hearing, along with a general description of the subject matter of the
28 proposed rules and information as to where copies of any rules (~~and~~
29 ~~regulations~~) proposed for adoption may be obtained and with a
30 solicitation for recommendations in writing or suggestions for
31 inclusion or changes in such rules to be submitted not later than five
32 days prior to such public hearing. Any preexisting rules adopted by
33 the department of labor and industries relating to health and safety
34 standards in work places subject to the jurisdiction of the department
35 shall remain effective insofar as such rules are not inconsistent with
36 the provisions of this chapter.

1 **Sec. 5.** RCW 49.17.050 and 1998 c 224 s 1 are each amended to read
2 as follows:

3 Except as provided in RCW 49.17.040, in the adoption of rules ((and
4 ~~regulations))~~ under the authority of this chapter, the director shall:

5 (1) Provide for the preparation, adoption, amendment, or repeal of
6 rules ((~~and regulations~~)) of safety and health standards governing the
7 conditions of employment of general and special application in all work
8 places;

9 (2) Provide for the adoption of occupational health and safety
10 standards which are at least as effective as those adopted or
11 recognized by the United States secretary of labor under the authority
12 of the Occupational Safety and Health Act of 1970 (Public Law 91-596;
13 84 Stat. 1590);

14 (3) Provide a method of encouraging employers and employees in
15 their efforts to reduce the number of safety and health hazards at
16 their work places and to stimulate employers and employees to institute
17 new and to perfect existing programs for providing safe and healthful
18 working conditions;

19 (4) Provide for the promulgation of health and safety standards and
20 the control of conditions in all work places concerning gases, vapors,
21 dust, or other airborne particles, toxic materials, or harmful physical
22 agents which shall set a standard which most adequately assures, to the
23 extent feasible, on the basis of the best available evidence, that no
24 employee will suffer material impairment of health or functional
25 capacity even if such employee has regular exposure to the hazard dealt
26 with by such standard for the period of his or her working life; any
27 such standards shall require where appropriate the use of protective
28 devices or equipment and for monitoring or measuring any such gases,
29 vapors, dust, or other airborne particles, toxic materials, or harmful
30 physical agents;

31 (5) Provide for appropriate reporting procedures by employers with
32 respect to such information relating to conditions of employment which
33 will assist in achieving the objectives of this chapter;

34 (6) Provide for the frequency, method, and manner of the making of
35 inspections of work places without advance notice; and,

36 (7) Provide for the publication and dissemination to employers,
37 employees, and labor organizations and the posting where appropriate by
38 employers of informational, education, or training materials calculated
39 to aid and assist in achieving the objectives of this chapter;

1 (8) Provide for the establishment of new and the perfection and
2 expansion of existing programs for occupational safety and health
3 education for employers and employees, and, in addition institute
4 methods and procedures for the establishment of a program for voluntary
5 compliance solely through the use of advice and consultation with
6 employers and employees with recommendations including recommendations
7 of methods to abate violations relating to the requirements of this
8 chapter and all applicable safety and health standards and rules ((~~and~~
9 ~~regulations promulgated~~)) adopted pursuant to the authority of this
10 chapter;

11 (9) Provide for the adoption of safety and health standards
12 requiring the use of safeguards in trenches and excavations and around
13 openings of hoistways, hatchways, elevators, stairways, and similar
14 openings;

15 (10) Provide for the promulgation of health and safety standards
16 requiring the use of safeguards for all vats, pans, trimmers, cut off,
17 gang edger, and other saws, planers, presses, formers, cogs, gearing,
18 belting, shafting, coupling, set screws, live rollers, conveyors,
19 mangles in laundries, and machinery of similar description, which can
20 be effectively guarded with due regard to the ordinary use of such
21 machinery and appliances and the danger to employees therefrom, and
22 with which the employees of any such work place may come in contact
23 while in the performance of their duties and prescribe methods,
24 practices, or processes to be followed by employers which will enhance
25 the health and safety of employees in the performance of their duties
26 when in proximity to machinery or appliances mentioned in this
27 subsection;

28 (11) Certify that no later than twenty business days prior to the
29 effective date of any significant legislative rule, as defined by RCW
30 34.05.328, a meeting of impacted parties is convened to: (a) Identify
31 ambiguities and problem areas in the rule; (b) coordinate education and
32 public relations efforts by all parties; (c) provide comments regarding
33 internal department training and enforcement plans; and (d) provide
34 comments regarding appropriate evaluation mechanisms to determine the
35 effectiveness of the new rule. The meeting shall include a balanced
36 representation of both business and labor from impacted industries,
37 department personnel responsible for the above subject areas, and other
38 agencies or key stakeholder groups as determined by the department. An
39 existing advisory committee may be utilized if appropriate.

1 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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