

2SHB 3139 - H AMD 1265

By Representative Condotta

FAILED 2/19/2008

1 On page 8, after line 20, insert the following:

2 "NEW SECTION. **Sec. 3.** A new section is added to chapter 51.32
3 RCW to read as follows:

4 (1) Except as provided in subsection (2) of this section, each
5 employer shall retain from the earnings of each worker that amount
6 as shall be fixed from time to time by the director, the basis for
7 measuring said amount to be determined by the director. The money
8 so retained shall be remitted to the department in such manner and
9 at such intervals as the department directs and shall be placed in
10 the employer overpayment reimbursement fund. However, the state
11 apprenticeship council shall pay the entire amount into the
12 employer overpayment reimbursement fund for registered apprentices
13 or trainees during their participation in supplemental and related
14 instruction classes. The moneys so collected shall be used
15 exclusively for reimbursement to the accident fund, medical aid
16 fund, reserve fund, and to self-insured employers for benefits
17 overpaid to injured workers during the pendency of board or court
18 appeals in which the department or self-insured employer prevails,
19 and shall be no more than necessary to make such payments on a
20 current basis.

21 (2) None of the amount assessed for the employer overpayment
22 reimbursement fund under RCW 51.16.210 may be retained from the
23 earnings of workers covered under RCW 51.16.210.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 51.44
25 RCW to read as follows:

26 The employer overpayment reimbursement fund is created in the
27 custody of the state treasurer. Expenditures from the account may
28 be used only for reimbursing the accident fund, medical aid fund,
29 reserve fund, and self-insured employers for benefits overpaid to
30 injured workers during the pendency of board or court appeals in

1 which the department or self-insured employer prevails. Only the
2 director or the director's designee may authorize expenditures from
3 the account. The account is subject to allotment procedures under
4 chapter 43.88 RCW, but an appropriation is not required for
5 expenditures."

6 Renumber the sections consecutively and correct any internal
7 references accordingly.

8 Correct the title.

EFFECT: Creates an employer overpayment reimbursement fund,
from funds retained from workers' earnings, to reimburse self-
insured employers and the state fund for overpayments of
benefits resulting from employer appeals.