

---

HOUSE BILL 1386

---

State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Condotta, Ericks, Chandler, Springer, Blake, Hinkle, and Kristiansen

Read first time 01/20/09. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to the use of industrial insurance funds; amending  
2 RCW 51.44.010, 51.44.020, and 51.44.033; and adding a new section to  
3 chapter 51.44 RCW.

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

5            **Sec. 1.** RCW 51.44.010 and 1961 c 23 s 51.44.010 are each amended  
6 to read as follows:

7            (1) There shall be, in the office of the state treasurer, a fund to  
8 be known and designated as the "accident fund."

9            (2) Expenditures from the accident fund shall be made only for  
10 purposes related to the payment of benefits or the administration of  
11 industrial insurance programs.

12            **Sec. 2.** RCW 51.44.020 and 1961 c 23 s 51.44.020 are each amended  
13 to read as follows:

14            (1) There shall be, in the office of the state treasurer, a fund to  
15 be known and designated as the "medical aid fund."

16            (2) Expenditures from the medical aid fund shall be made only for  
17 purposes related to the payment of benefits or the administration of  
18 industrial insurance programs.

1       **Sec. 3.** RCW 51.44.033 and 2007 c 357 s 23 are each amended to read  
2 as follows:

3       There shall be, in the office of the state treasurer, a fund to be  
4 known and designated as the "supplemental pension fund". The director  
5 shall be the administrator thereof. The fund shall be used for the  
6 sole purposes of making the additional payments therefrom prescribed in  
7 this title (~~(and the loans therefrom authorized in RCW 49.86.190)~~).

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

10       (1) Any ratepayer or group of ratepayers, acting as a class, may  
11 file an action in superior court to protest the improper use of the  
12 accident fund, the medical aid fund, or the supplemental pension fund.

13       (2) If a court finds that expenditures from the accident fund, the  
14 medical aid fund, or the supplemental pension fund are not related to  
15 a purpose under RCW 51.44.010, 51.44.020, or 51.44.033, the department  
16 is prohibited from making the expenditures, and the ratepayer or  
17 ratepayers must be compensated for actual attorneys' fees and an award  
18 of triple damages.

--- END ---