
HOUSE BILL 2444

State of Washington

64th Legislature

2016 Regular Session

By Representatives Manweller, Sells, and Kilduff; by request of Department of Labor & Industries

Read first time 01/13/16. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to eliminating the reference to the standard
2 industrial classification system in the worker and community right to
3 know fund; and amending RCW 49.70.170.

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

5 **Sec. 1.** RCW 49.70.170 and 2010 c 8 s 12068 are each amended to
6 read as follows:

7 (1) The worker and community right to know fund is hereby
8 established in the custody of the state treasurer. The department
9 shall deposit all moneys received under this chapter in the fund.
10 Moneys in the fund may be spent only for the purposes of this chapter
11 following legislative appropriation. Disbursements from the fund
12 shall be on authorization of the director or the director's designee.
13 (~~During the 2003-2005 fiscal biennium, moneys in the fund may also~~
14 ~~be used by the military department for the purpose of assisting the~~
15 ~~state emergency response commission and coordinating local emergency~~
16 ~~planning activities.)) The fund is subject to the allotment procedure
17 provided under chapter 43.88 RCW.~~

18 (2) The department shall assess each employer who reported ten
19 thousand four hundred or more worker hours in the prior calendar year
20 an annual fee to provide for the implementation of this chapter. The
21 department shall (~~promulgate~~) adopt rules establishing a fee

1 schedule for all employers who reported ten thousand four hundred or
2 more worker hours in the prior calendar year and are engaged in
3 business operations (~~having a standard industrial classification, as~~
4 ~~designated in the standard industrial classification manual prepared~~
5 ~~by the federal office of management and budget, within major group~~
6 ~~numbers 01 through 08 (agriculture and forestry industries), numbers~~
7 ~~10 through 14 (mining industries), numbers 15 through 17~~
8 ~~(construction industries), numbers 20 through 39 (manufacturing~~
9 ~~industries), numbers 41, 42, and 44 through 49 (transportation,~~
10 ~~communications, electric, gas, and sanitary services), number 75~~
11 ~~(automotive repair, services, and garages), number 76 (miscellaneous~~
12 ~~repair services), number 80 (health services), and number 82~~
13 ~~(educational services))~~ in the following industries, as classified
14 by the current industry classification system used by the bureau of
15 labor statistics: Agriculture and forestry industries; mining,
16 quarrying, and oil and gas extraction; construction industries;
17 manufacturing industries; transportation, pipeline, communications,
18 electric, gas, and sanitary services; automotive repair, services,
19 and garages; miscellaneous repair services; health services; and
20 educational services. The department shall establish the annual fee
21 for each employer who reported ten thousand four hundred or more
22 worker hours in the prior calendar year in industries identified by
23 this section, provided that fees assessed shall not be more than two
24 dollars and fifty cents per full time equivalent employee. The annual
25 fee shall not exceed fifty thousand dollars. The fees shall be
26 collected solely from employers whose industries have been identified
27 by rule under this chapter. The department shall (~~promulgate~~) adopt
28 rules allowing employers who do not have hazardous substances at
29 their workplace to request an exemption from the assessment and shall
30 establish penalties for fraudulent exemption requests. All fees
31 collected by the department pursuant to this section shall be
32 collected in a cost-efficient manner and shall be deposited in the
33 fund.

34 (3) Records required by this chapter shall at all times be open
35 to the inspection of the director, or his or her designee including,
36 the traveling auditors, agents, or assistants of the department
37 provided for in RCW 51.16.070 and 51.48.040. The information obtained
38 from employer records under the provisions of this section shall be
39 subject to the same confidentiality requirements as set forth in RCW
40 51.16.070.

1 (4) An employer may appeal the assessment of the fee or penalties
2 pursuant to the procedures set forth in Title 51 RCW and accompanying
3 rules except that the employer shall not have the right of appeal to
4 superior court as provided in Title 51 RCW. The employer from whom
5 the fee or penalty is demanded or enforced, may however, within
6 thirty days of the board of industrial insurance appeal's final
7 order, pay the fee or penalty under written protest setting forth all
8 the grounds upon which such fee or penalty is claimed to be unlawful,
9 excessive, or otherwise improper and thereafter bring an action in
10 superior court against the department to recover such fee or penalty
11 or any portion of the fee or penalty which was paid under protest.

12 (5) Repayment shall be made to the general fund of any moneys
13 appropriated by law in order to implement this chapter.

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