
HOUSE BILL 2390

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Finkbeiner, Heavey, Lisk, Chandler, Long, Forner, Conway, Johanson, Jones, Eide and Roland; by request of Department of Labor & Industries

Read first time 01/14/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to clarifications in the organizational structure
2 of the department of labor and industries specific to current
3 departmental functions and responsibilities; amending RCW 15.24.086,
4 43.22.010, 43.22.020, 43.22.030, 43.22.040, 43.22.050, 43.22.053,
5 43.22.200, 43.22.210, 43.22.260, 43.22.270, 43.78.150, 49.12.005,
6 49.12.041, 49.12.050, 49.12.091, 49.12.101, 49.12.105, 49.12.110,
7 49.12.140, 49.12.170, 49.12.180, 49.24.070, 51.04.020, 51.16.105,
8 70.79.120, and 70.87.030; reenacting and amending RCW 51.04.030; and
9 repealing RCW 49.12.035, 49.12.125, and 49.12.161.

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

11 **Sec. 1.** RCW 15.24.086 and 1973 1st ex.s. c 154 s 20 are each
12 amended to read as follows:

13 All such printing contracts provided for in this section and RCW
14 15.24.085 shall be executed and performed under conditions of
15 employment which shall substantially conform to the laws of this state
16 respecting hours of labor, the minimum wage scale, and the rules and
17 regulations of the (~~industrial welfare committee~~) department of labor
18 and industries regarding conditions of employment, hours of labor, and

1 minimum wages, and the violation of such provision of any contract
2 shall be ground for cancellation thereof.

3 **Sec. 2.** RCW 43.22.010 and 1974 ex.s. c 27 s 1 are each amended to
4 read as follows:

5 The department of labor and industries shall be organized into
6 ~~((five divisions, to be known as, (1) the division of industrial~~
7 ~~insurance, (2) the division of industrial safety and health, (3) the~~
8 ~~division of industrial relations, (4) the division of apprenticeship,~~
9 ~~and (5) the division of building and construction safety inspection~~
10 ~~services, which division shall have responsibility for electrical~~
11 ~~inspection, mobile home inspection, elevator inspection, except as~~
12 ~~otherwise provided in RCW 70.87.030, boiler inspection, and~~
13 ~~registration and regulation of contractors))~~ divisions that promote
14 efficient and effective performance of the duties the agency is charged
15 by statute to administer.

16 The director may appoint such clerical and other assistants as may
17 be necessary for the general administration of the department.

18 **Sec. 3.** RCW 43.22.020 and 1965 c 8 s 43.22.020 are each amended to
19 read as follows:

20 The director of labor and industries shall appoint and deputize an
21 assistant ~~((director)),~~ to be known as the supervisor of industrial
22 insurance, who shall have ~~((charge and supervision of the division of~~
23 ~~industrial insurance))~~ authority to perform those duties delegated by
24 the director and by statute.

25 ~~((With the approval of))~~ The director~~((, he))~~ may appoint and
26 employ such adjusters, medical and other examiners, auditors,
27 inspectors, clerks, and other assistants as may be necessary to ~~((carry~~
28 ~~on the work of the division))~~ the administration of workers'
29 compensation and medical aid in this state.

30 **Sec. 4.** RCW 43.22.030 and 1987 c 185 s 16 are each amended to read
31 as follows:

32 The director of labor and industries~~((, through the division of~~
33 ~~industrial insurance,))~~ shall:

34 (1) Exercise all the powers and perform all the duties prescribed
35 by law with respect to the administration of workers' compensation and
36 medical aid in this state;

1 (2) Have the custody of all property acquired by the state at
2 execution sales upon judgments obtained for delinquent industrial
3 insurance premiums or medical aid contributions, and penalties and
4 costs; sell and dispose of the same at private sales for the sale
5 purchase price, and pay the proceeds into the state treasury to the
6 credit of the accident fund, or medical aid fund, as the case may be.
7 In case of the sale of real estate the director shall execute the deed
8 in the name of the state.

9 **Sec. 5.** RCW 43.22.040 and 1973 1st ex.s. c 52 s 3 are each amended
10 to read as follows:

11 The director of labor and industries shall appoint and deputize an
12 assistant (~~(director)~~), to be known as the supervisor of industrial
13 safety and health, who shall have (~~charge and supervision of the~~
14 ~~division of industrial safety and health~~) authority to perform those
15 duties delegated by the director and by statute.

16 The (~~supervisor of industrial safety and health, with the approval~~
17 ~~of the~~) director(~~(7)~~) may appoint and employ such inspectors, clerks,
18 and other assistants as may be necessary to carry on the industrial
19 safety and health work of the (~~division~~) department.

20 **Sec. 6.** RCW 43.22.050 and 1973 1st ex.s. c 52 s 4 are each amended
21 to read as follows:

22 The director of labor and industries(~~(7, through the division of~~
23 ~~industrial safety and health,7)~~) shall:

24 (1) Exercise all the powers and perform all the duties prescribed
25 by law in relation to the inspection of factories, mills, workshops,
26 storehouses, warerooms, stores and buildings, and the machinery and
27 apparatus therein contained, and steam vessels, and other vessels
28 operated by machinery, and in relation to the administration and
29 enforcement of all laws and safety standards providing for the
30 protection of employees in mills, factories, workshops, and in
31 employments subject to the provisions of Title 51 RCW, and in relation
32 to the enforcement, inspection, certification, and promulgation of safe
33 places and safety device standards in all industries: PROVIDED,
34 HOWEVER, This section shall not apply to railroads;

35 (2) Exercise all the powers and perform all the duties prescribed
36 by law in relation to the inspection of tracks, bridges, structures,
37 machinery, equipment, and apparatus of street railways, gas plants,

1 electrical plants, water systems, telephone lines, telegraph lines, and
2 other public utilities, with respect to the safety of employees, and
3 the administration and enforcement of all laws providing for the
4 protection of employees of street railways, gas plants, electrical
5 plants, water systems, telephone lines, telegraph lines, and other
6 public utilities;

7 (3) Exercise all the powers and perform all the duties prescribed
8 by law in relation to the enforcement, amendment, alteration, change,
9 and making additions to, rules and regulations concerning the
10 operation, placing, erection, maintenance, and use of electrical
11 apparatus, and the construction thereof.

12 **Sec. 7.** RCW 43.22.053 and 1969 ex.s. c 32 s 3 are each amended to
13 read as follows:

14 The director of labor and industries shall appoint and deputize an
15 assistant (~~((director))~~), to be known as the supervisor (~~((of the~~
16 ~~division))~~) of building and construction safety inspection services, who
17 shall have (~~((charge and supervision of the division of building and~~
18 ~~construction safety inspection services))~~) authority to perform those
19 duties delegated by the director and by statute.

20 (~~((With the approval of))~~) The director(~~(, he)~~) may appoint and
21 employ such inspectors, clerks, and other assistants as may be
22 necessary to carry on (~~((the work of the division))~~) building and
23 construction safety inspection services subject to the provisions of
24 chapter 41.06 RCW.

25 **Sec. 8.** RCW 43.22.200 and 1973 1st ex.s. c 52 s 5 are each amended
26 to read as follows:

27 The supervisor of (~~((the division of))~~) industrial safety and health
28 or (~~((his))~~) the supervisor's deputy shall enter, inspect, and examine
29 any coal mine, and the workings and the machinery belonging thereto, at
30 all reasonable times, either day or night, but not so as to impede the
31 working of the mine. They shall make inquiry into the condition of the
32 mine, workings, machinery, ventilation, drainage, method of lighting or
33 using lights, and into all methods and things relating to the health
34 and safety of persons employed in or about the mine, and especially
35 make inquiry whether or not the provisions of the coal mining code have
36 been complied with. The management of each mine shall furnish the
37 means necessary for such entry, inspection, examination, and exit.

1 **Sec. 9.** RCW 43.22.210 and 1989 c 12 s 14 are each amended to read
2 as follows:

3 (1) It shall be the duty of the supervisor of (~~the division of~~)
4 industrial safety and health or the supervisor's deputy to carefully
5 examine each coal mine in operation in this state at least every four
6 months, and (~~as much oftener~~) more often as is necessary, to see that
7 every precaution is taken to (~~insure~~) ensure the safety of all
8 workers who may be engaged in the mine. These inspections shall
9 include at least two visits of the inspection force to every working
10 place in every mine in the state during each calendar year. The
11 supervisor or the supervisor's deputy shall make a record of each
12 visit, noting the time and the material circumstances of the
13 inspection, and shall keep each record on file in the office of the
14 department; and also post at the mine a notice of the inspection.

15 (2) If the management of any operating company shall refuse to
16 permit the members of the department to enter any mine, the supervisor
17 or the supervisor's deputy shall file an affidavit setting forth such
18 refusal, with the judge of the superior court of the county in which
19 the mine is situated, and obtain an order from such judge commanding
20 the management of the operating company to permit such examination and
21 inspection, and to furnish the necessary facilities for the same, or in
22 default thereof to be adjudged in contempt of court and punished
23 accordingly.

24 (3) If the supervisor or the supervisor's deputy shall, after
25 examination of any mine, or the works and machinery connected
26 therewith, find the same to be worked contrary to the provisions of
27 this act [1917 c 36], or unsafe for the workers employed therein, the
28 supervisor shall notify the management, stating what changes are
29 necessary. If the trouble is not corrected within reasonable time, the
30 supervisor shall, through the attorney general, in the name of the
31 state immediately apply to the superior court of the county in which
32 the mine is located, or to a judge of said court in chambers, for a
33 writ of injunction to enjoin the operation of all work in and about the
34 said mine. Whereupon said court or judge shall at once proceed to hear
35 and determine the case, and if the cause appears to be sufficient,
36 after hearing the parties and their evidence, as in like cases, shall
37 issue its writ to restrain the workings of said mine until all cause of
38 danger is removed; and the cost of such proceeding shall be borne by
39 the operating company of the mine: PROVIDED, That if the said court

1 shall find the cause not sufficient, then the case shall be dismissed,
2 and the costs will be borne by the state: PROVIDED, ALSO, That should
3 the supervisor find during the inspection of a mine, or portion of a
4 mine, such dangerous condition existing therein that in his or her
5 opinion any delay in removing the workers from such dangerous places
6 might cause loss of life or serious personal injury to the employee,
7 the supervisor shall have the right to temporarily withdraw all persons
8 from such dangerous places until the foregoing provisions of this
9 section can be carried into effect.

10 (4) Whenever he or she is notified of any loss of life in or about
11 the mine, or whenever an explosion or other serious accident occurs,
12 the supervisor shall immediately go or send his or her deputy to the
13 scene of the accident to investigate and to render every possible
14 assistance.

15 (5) The supervisor or the supervisor's deputy shall make a record
16 of the circumstances attending each accident investigated, which record
17 shall be preserved in the files of the department. To enable the
18 supervisor or the supervisor's deputy to make such investigation and
19 record, they shall have power to compel the attendance of witnesses and
20 to administer oaths or affirmations to them. The costs of such
21 investigations shall be paid by the state.

22 **Sec. 10.** RCW 43.22.260 and 1975 1st ex.s. c 296 s 31 are each
23 amended to read as follows:

24 The director of labor and industries shall appoint and deputize an
25 assistant (~~(director)~~), to be known as the supervisor of industrial
26 relations, who shall have (~~(charge and supervision of the division of~~
27 ~~industrial relations)~~) authority to perform those duties delegated by
28 the director and by statute.

29 (~~(With the approval of)~~) The director(~~(, he)~~) may appoint an
30 assistant to be known as the industrial statistician, and an assistant
31 to be known as the supervisor of employment standards and may appoint
32 and employ experts, clerks, and other assistants as may be necessary to
33 carry on the industrial relations work of the (~~(division)~~) department.

34 **Sec. 11.** RCW 43.22.270 and 1977 c 75 s 48 are each amended to read
35 as follows:

1 The director of labor and industries shall have the power, and it
2 shall be ~~((his))~~ the director's duty(~~(, through and by means of the~~
3 ~~division of industrial relations))~~):

4 (1) To study and keep in touch with problems of industrial
5 relations and, from time to time, make public reports and
6 recommendations to the legislature;

7 (2) To, with the assistance of the industrial statistician,
8 exercise all the powers and perform all the duties in relation to
9 collecting, assorting, and systematizing statistical details relating
10 to labor within the state and systematizing such statistical
11 information to, as far as possible, conform to the plans and reports of
12 the United States department of labor;

13 (3) To, with the assistance of the industrial statistician, make
14 such special investigations and collect such special statistical
15 information as may be needed for use by the department or division of
16 the state government having need of industrial statistics;

17 (4) To, with the assistance of the supervisor of employment
18 standards, supervise the administration and enforcement of all laws
19 respecting the employment and relating to the health, sanitary
20 conditions, surroundings, hours of labor, and wages of employees
21 employed in business and industry in accordance with the provisions of
22 chapter 49.12 RCW;

23 (5) To exercise all the powers and perform all the duties, not
24 specifically assigned to ~~((any other division of))~~ the department of
25 labor and industries, now vested in, and required to be performed by,
26 the commissioner of labor;

27 (6) To exercise such other powers and perform such other duties as
28 may be provided by law.

29 **Sec. 12.** RCW 43.78.150 and 1973 1st ex.s. c 154 s 86 are each
30 amended to read as follows:

31 All contracts for such work to be done outside the state shall
32 require that it be executed under conditions of employment which shall
33 substantially conform to the laws of this state respecting hours of
34 labor, the minimum wage scale, and the rules and regulations of the
35 ~~((industrial welfare committee))~~ department of labor and industries
36 regarding conditions of employment, hours of labor, and minimum wages,
37 and shall be favorably comparable to the labor standards and practices
38 of the lowest competent bidder within the state, and the violation of

1 any such provision of any contract shall be ground for cancellation
2 thereof.

3 **Sec. 13.** RCW 49.12.005 and 1988 c 236 s 8 are each amended to read
4 as follows:

5 For the purposes of this chapter:

6 (1) The term "department" means the department of labor and
7 industries.

8 (2) The term "director" means the director of the department of
9 labor and industries, or ~~((his))~~ the director's designated
10 representative.

11 (3) The term "employer" means any person, firm, corporation,
12 partnership, business trust, legal representative, or other business
13 entity which engages in any business, industry, profession, or activity
14 in this state and employs one or more employees and for the purposes of
15 RCW 49.12.270 through 49.12.295 also includes the state, any state
16 institution, any state agency, political subdivisions of the state, and
17 any municipal corporation or quasi-municipal corporation.

18 (4) The term "employee" means an employee who is employed in the
19 business of ~~((his))~~ the employee's employer whether by way of manual
20 labor or otherwise.

21 (5) The term "conditions of labor" shall mean and include the
22 conditions of rest and meal periods for employees including provisions
23 for personal privacy, practices, methods and means by or through which
24 labor or services are performed by employees and includes bona fide
25 physical qualifications in employment, but shall not include conditions
26 of labor otherwise governed by statutes and rules and regulations
27 relating to industrial safety and health administered by the
28 department.

29 (6) For the purpose of this 1973 amendatory act a minor is defined
30 to be a person of either sex under the age of eighteen years.

31 ~~((7) The term "committee" shall mean the industrial welfare
32 committee.))~~

33 **Sec. 14.** RCW 49.12.041 and 1973 2nd ex.s. c 16 s 5 are each
34 amended to read as follows:

35 It shall be the responsibility of the ~~((industrial welfare
36 committee, with the aid and assistance of the))~~ director~~((7))~~ to
37 investigate the wages, hours and conditions of employment of all

1 employees, including minors, except as may otherwise be provided in
2 this 1973 amendatory act. The director, or ~~((his))~~ the director's
3 authorized representative, shall have full authority to require
4 statements from all employers, relative to wages, hours and working
5 conditions and to inspect the books, records and physical facilities of
6 all employers subject to this 1973 amendatory act. Such examinations
7 shall take place within normal working hours, within reasonable limits
8 and in a reasonable manner.

9 **Sec. 15.** RCW 49.12.050 and 1973 2nd ex.s. c 16 s 14 are each
10 amended to read as follows:

11 Every employer shall keep a record of the names of all employees
12 employed by him, and shall on request permit the ~~((committee or any of
13 its members or authorized representatives))~~ director to inspect such
14 record.

15 **Sec. 16.** RCW 49.12.091 and 1973 2nd ex.s. c 16 s 6 are each
16 amended to read as follows:

17 After an investigation has been conducted by the director ~~((of
18 labor and industries))~~ of wages, hours and conditions of labor subject
19 to this 1973 amendatory act, the ~~((industrial welfare committee))~~
20 director shall be furnished with all information relative to such
21 investigation of wages, hours and working conditions, including current
22 statistics on wage rates in all occupations subject to the provisions
23 of this 1973 amendatory act. Within a reasonable time thereafter, if
24 the ~~((committee))~~ director finds that in any occupation, trade or
25 industry, subject to this 1973 amendatory act, the wages paid to
26 employees are inadequate to supply the necessary cost of living, but
27 not to exceed the state minimum wage as prescribed in RCW 49.46.020, as
28 now or hereafter amended, or that the conditions of labor are
29 detrimental to the health of employees, the ~~((committee))~~ director
30 shall have authority to prescribe rules and regulations for the purpose
31 of adopting minimum wages for occupations not otherwise governed by
32 minimum wage requirements fixed by state or federal statute, or a rule
33 or regulation ~~((promulgated pursuant to))~~ adopted under such statute,
34 and, at the same time have the authority to prescribe rules and
35 regulations fixing standards, conditions and hours of labor for the
36 protection of the safety, health and welfare of employees for all or
37 specified occupations subject to this 1973 amendatory act. Thereafter,

1 the (~~committee~~) director shall conduct a public hearing in accordance
2 with the procedures of the administrative procedure act, chapter 34.05
3 RCW, for the purpose of the adoption of rules and regulations fixing
4 minimum wages and standards, conditions and hours of labor subject to
5 the provisions of this act. After such rules become effective, copies
6 thereof shall be supplied to employers who may be affected by such
7 rules and such employers shall post such rules, where possible, in such
8 place or places, reasonably accessible to all employees of such
9 employer. After the effective date of such rules, it shall be unlawful
10 for any employer in any occupation subject to this 1973 amendatory act
11 to employ any person for less than the rate of wages specified in such
12 rules or under conditions and hours of labor prohibited for any
13 occupation specified in such rules: PROVIDED, That this section shall
14 not apply to sheltered workshops.

15 **Sec. 17.** RCW 49.12.101 and 1973 2nd ex.s. c 16 s 7 are each
16 amended to read as follows:

17 Whenever wages, standards, conditions and hours of labor have been
18 established by rule and regulation of the (~~committee~~) director, the
19 (~~committee~~) director may upon application of either employers or
20 employees conduct a public hearing for the purpose of the adoption,
21 amendment or repeal of rules and regulations (~~promulgated~~) adopted
22 under the authority of this 1973 amendatory act.

23 **Sec. 18.** RCW 49.12.105 and 1973 2nd ex.s. c 16 s 8 are each
24 amended to read as follows:

25 An employer may apply to the (~~committee~~) director for an order
26 for a variance from any rule or regulation establishing a standard for
27 wages, hours, or conditions of labor (~~promulgated~~) adopted by the
28 (~~committee~~) director under this chapter. The (~~committee~~) director
29 shall issue an order granting a variance if (~~it~~) the director
30 determines or decides that the applicant for the variance has shown
31 good cause for the lack of compliance. Any order so issued shall
32 prescribe the conditions the employer must maintain, and the practices,
33 means, methods, operations, standards and processes which (~~he~~) the
34 employer must adopt and utilize to the extent they differ from the
35 standard in question. At any time the (~~committee~~) director may
36 terminate and revoke such order, provided the employer was notified by

1 the ((committee)) director of the termination at least thirty days
2 prior to said termination.

3 **Sec. 19.** RCW 49.12.110 and 1977 ex.s. c 80 s 35 are each amended
4 to read as follows:

5 For any occupation in which a minimum wage has been established,
6 the ((committee through its secretary)) director may issue to an
7 employer, a special certificate or permit for an employee who is
8 physically or mentally handicapped to such a degree that he or she is
9 unable to obtain employment in the competitive labor market, or to a
10 trainee or learner not otherwise subject to the jurisdiction of the
11 apprenticeship council, a special certificate or permit authorizing the
12 employment of such employee for a wage less than the legal minimum
13 wage; and the ((committee)) director shall fix the minimum wage for
14 said person, such special certificate or permit to be issued only in
15 such cases as the ((committee)) director may decide the same is applied
16 for in good faith and that such certificate or permit shall be in force
17 for such length of time as the ((said committee)) director shall decide
18 and determine is proper.

19 **Sec. 20.** RCW 49.12.140 and 1913 c 174 s 17 1/2 are each amended to
20 read as follows:

21 Any worker or the parent or guardian of any minor to whom RCW
22 49.12.010 through 49.12.180 applies may complain to the ((committee))
23 director that the wages paid to the workers are less than the minimum
24 rate and the ((committee)) director shall investigate the same and
25 proceed under RCW 49.12.010 through 49.12.180 in behalf of the worker.

26 **Sec. 21.** RCW 49.12.170 and 1991 c 303 s 6 are each amended to read
27 as follows:

28 Except as otherwise provided in RCW 49.12.390 or 49.12.410, any
29 employer employing any person for whom a minimum wage or standards,
30 conditions, and hours of labor have been specified, at less than said
31 minimum wage, or under standards, or conditions of labor or at hours of
32 labor prohibited by the rules and regulations of the ((committee))
33 director; or violating any other of the provisions of this 1973
34 amendatory act, shall be deemed guilty of a misdemeanor, and shall,
35 upon conviction thereof, be punished by a fine of not less than twenty-
36 five dollars nor more than one thousand dollars.

1 **Sec. 22.** RCW 49.12.180 and 1977 c 75 s 73 are each amended to read
2 as follows:

3 The (~~committee~~) director shall report annually to the governor on
4 its investigations and proceedings.

5 **Sec. 23.** RCW 49.24.070 and 1973 1st ex.s. c 52 s 7 are each
6 amended to read as follows:

7 The director of labor and industries (~~through and by means of the~~
8 ~~division of industrial safety and health~~) shall have the power and it
9 shall be (~~his~~) the director's duty to enforce the provisions of RCW
10 49.24.010 through 49.24.070. Any authorized inspector or agent of the
11 (~~division of industrial safety and health~~) department may issue and
12 serve upon the employer or person in charge of such work, an order
13 requiring compliance with a special provision or specific provisions of
14 RCW 49.24.010 through 49.24.070 and directing the discontinuance of any
15 employment of persons in compressed air in connection with such work
16 until such specific provision or provisions have been complied with by
17 such employer to the satisfaction of the (~~division of industrial~~
18 ~~safety and health~~) department.

19 **Sec. 24.** RCW 51.04.020 and 1977 c 75 s 77 are each amended to read
20 as follows:

21 The director shall:

22 (1) Establish and (~~promulgate~~) adopt rules governing the
23 administration of this title;

24 (2) Ascertain and establish the amounts to be paid into and out of
25 the accident fund;

26 (3) Regulate the proof of accident and extent thereof, the proof of
27 death and the proof of relationship and the extent of dependency;

28 (4) Supervise the medical, surgical, and hospital treatment to the
29 intent that it may be in all cases efficient and up to the recognized
30 standard of modern surgery;

31 (5) Issue proper receipts for moneys received and certificates for
32 benefits accrued or accruing;

33 (6) Investigate the cause of all serious injuries and report to the
34 governor from time to time any violations or laxity in performance of
35 protective statutes or regulations coming under the observation of the
36 department;

1 (7) (~~Create a division of~~) Compile statistics (~~within~~) which
2 (~~shall be compiled such statistics as~~) will afford reliable
3 information upon which to base operations of all divisions under the
4 department;

5 (8) Make an annual report to the governor of the workings of the
6 department;

7 (9) Be empowered to enter into agreements with the appropriate
8 agencies of other states relating to conflicts of jurisdiction where
9 the contract of employment is in one state and injuries are received in
10 the other state, and insofar as permitted by the Constitution and laws
11 of the United States, to enter into similar agreements with the
12 provinces of Canada.

13 **Sec. 25.** RCW 51.04.030 and 1993 c 515 s 1 and 1993 c 159 s 1 are
14 each reenacted and amended to read as follows:

15 The director shall(~~, through the division of industrial~~
16 ~~insurance,~~) supervise the providing of prompt and efficient care and
17 treatment, including care provided by physician assistants governed by
18 the provisions of chapters 18.57A and 18.71A RCW, acting under a
19 supervising physician, and including chiropractic care, to workers
20 injured during the course of their employment at the least cost
21 consistent with promptness and efficiency, without discrimination or
22 favoritism, and with as great uniformity as the various and diverse
23 surrounding circumstances and locations of industries will permit and
24 to that end shall, from time to time, establish and (~~promulgate~~)
25 adopt and supervise the administration of printed forms, rules,
26 regulations, and practices for the furnishing of such care and
27 treatment: PROVIDED, That, the department may recommend to an injured
28 worker particular health care services and providers where specialized
29 treatment is indicated or where cost effective payment levels or rates
30 are obtained by the department: AND PROVIDED FURTHER, That the
31 department may enter into contracts for goods and services including,
32 but not limited to, durable medical equipment so long as state-wide
33 access to quality service is maintained for injured workers.

34 The director shall, in consultation with interested persons,
35 establish and, in his or her discretion, periodically change as may be
36 necessary, and make available a fee schedule of the maximum charges to
37 be made by any physician, surgeon, chiropractor, hospital, druggist,
38 physicians' assistants as defined in chapters 18.57A and 18.71A RCW,

1 acting under a supervising physician or other agency or person
2 rendering services to injured workers. The department shall coordinate
3 with other state purchasers of health care services to establish as
4 much consistency and uniformity in billing and coding practices as
5 possible, taking into account the unique requirements and differences
6 between programs. No service covered under this title shall be charged
7 or paid at a rate or rates exceeding those specified in such fee
8 schedule, and no contract providing for greater fees shall be valid as
9 to the excess. The establishment of such a schedule, exclusive of
10 conversion factors, does not constitute "agency action" as used in RCW
11 34.05.010(3), nor does such a fee schedule constitute a "rule" as used
12 in RCW 34.05.010(15).

13 The director or self-insurer, as the case may be, shall make a
14 record of the commencement of every disability and the termination
15 thereof and, when bills are rendered for the care and treatment of
16 injured workers, shall approve and pay those which conform to the
17 (~~promulgated~~) adopted rules, regulations, established fee schedules,
18 and practices of the director and may reject any bill or item thereof
19 incurred in violation of the principles laid down in this section or
20 the rules, regulations, or the established fee schedules and rules and
21 regulations (~~promulgated~~) adopted under it.

22 **Sec. 26.** RCW 51.16.105 and 1977 ex.s. c 350 s 27 are each amended
23 to read as follows:

24 All department expenses (~~of the~~) relating to industrial safety
25 and health (~~division~~) services of the department pertaining to
26 workers' compensation shall be paid by the department and financed by
27 premiums and by assessments collected from a self-insurer as provided
28 in this title.

29 **Sec. 27.** RCW 70.79.120 and 1951 c 32 s 12 are each amended to read
30 as follows:

31 The (~~chief inspector~~) director shall employ deputy inspectors
32 (~~who shall be responsible to the chief inspector and~~) who shall have
33 had at time of appointment not less than five years practical
34 experience in the construction, maintenance, repair, or operation of
35 high pressure boilers and unfired pressure vessels as a mechanical
36 engineer, steam engineer, boilermaker, or boiler inspector, and who
37 shall have passed the examination provided for in RCW 70.79.170.

1 **Sec. 28.** RCW 70.87.030 and 1983 c 123 s 3 are each amended to read
2 as follows:

3 The department shall administer this chapter through the
4 (~~division~~) supervisor of building and construction safety inspection
5 services. However, except for the new construction thereof, all hand-
6 powered elevators, belt manlifts, and one-man capacity manlifts
7 installed in or on grain elevators are the responsibility of the
8 (~~division~~) supervisor of industrial safety and health of the
9 department. The department shall adopt rules governing the mechanical
10 and electrical operation, erection, installation, alterations,
11 inspection, acceptance tests, and repair of conveyances that are
12 necessary and appropriate and shall also adopt minimum standards
13 governing existing installations. In the execution of this rule-making
14 power and before the adoption of rules, the department shall consider
15 the rules for the safe mechanical operation, erection, installation,
16 alteration, inspection, and repair of conveyances, including the
17 American Standard Safety Code for Elevators, Dumbwaiters, and
18 Escalators, and any amendatory or supplemental provisions thereto. The
19 department by rule shall establish a schedule of fees to pay the costs
20 incurred by the department for the work related to administration and
21 enforcement of this chapter. Nothing in this chapter limits the
22 authority of the department to prescribe or enforce general or special
23 safety orders as provided by law.

24 NEW SECTION. **Sec. 29.** The following acts or parts of acts are
25 each repealed:

- 26 (1) RCW 49.12.035 and 1973 2nd ex.s. c 16 s 10;
27 (2) RCW 49.12.125 and 1913 c 174 s 15; and
28 (3) RCW 49.12.161 and 1973 2nd ex.s. c 16 s 9.

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