

---

SENATE BILL 5600

---

State of Washington

53rd Legislature

1993 Regular Session

By Senators Moore, Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

Read first time 02/04/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to industrial insurance appeals; and amending RCW  
2 51.52.100.

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

4 **Sec. 1.** RCW 51.52.100 and 1982 c 109 s 8 are each amended to read  
5 as follows:

6 Hearings shall be held in the county of the residence of the worker  
7 or beneficiary, or in the county where the injury occurred, at a place  
8 designated by the board. ((Such)) The hearing shall be de novo and  
9 summary, but no witness' testimony shall be received unless he or she  
10 ((shall)) has first ((have)) been sworn to testify the truth, the whole  
11 truth and nothing but the truth in the matter being heard, or unless  
12 his or her testimony ((shall-have)) has been taken by deposition  
13 according to the statutes and rules relating to superior courts of this  
14 state. The department ((shall-be)) is entitled to appear in all  
15 proceedings before the board and introduce testimony in support of its  
16 order. The board shall cause all oral testimony to be stenographically  
17 reported and ((thereafter)) transcribed, and when transcribed, the  
18 ((same)) testimony, with all depositions, shall be filed in, and remain  
19 a part of, the record on the appeal. ((Such)) Hearings on appeal to

1 the board may be conducted by one or more of its members((~~τ~~)) or a duly  
2 authorized industrial appeals judge, and depositions may be taken by a  
3 person ((~~duly~~)) commissioned for the purpose by the board.

4 Members of the board, its ((~~duly~~)) authorized industrial appeals  
5 judges, and all persons ((~~duly~~)) commissioned by it for the purpose of  
6 taking depositions((~~τ~~—~~shall~~)) have power to administer oaths; to  
7 preserve and enforce order during ((~~such~~)) hearings; to issue subpoenas  
8 for, and to compel the attendance and testimony of, witnesses, ((~~or~~))  
9 the production of books, papers, documents, and other evidence, or the  
10 taking of depositions before any designated individual competent to  
11 administer oaths, and it shall be their duty so to do to examine  
12 witnesses; and to do all things conformable to law which may be  
13 necessary to enable them((~~τ~~—~~or~~—~~any~~—~~of~~—~~them~~—~~effectively~~)) to  
14 effectively discharge the duties of ((~~his~~—~~or~~—~~her~~)) office.

15 Once a deposition has been filed with the board and published, it  
16 shall be made available to any of the parties upon request. Once a  
17 transcript of any portion of the proceedings has been filed with the  
18 board, a copy shall be made available to any party upon request. The  
19 board shall have twenty days to provide copies.

20 If any person in proceedings before the board disobeys or resists  
21 any lawful order or process, ((~~or~~)) misbehaves during a hearing or so  
22 near the place ((~~thereof~~)) of a hearing as to obstruct ((~~the same, or~~))  
23 the hearing, neglects to produce, after having been ordered so to do,  
24 any pertinent book, paper or document, ((~~or~~)) refuses to appear after  
25 having been subpoenaed, ((~~or~~)) upon appearing refuses to take oath as  
26 a witness, or after having the oath refuses to be examined according to  
27 law, the board or any member or ((~~duly~~)) authorized industrial appeals  
28 judge may certify the facts to the superior court having jurisdiction  
29 in the place in which ((~~said~~)) the board or member or industrial  
30 appeals judge is sitting((~~τ~~)). The court shall ((~~thereupon~~)), in a  
31 summary manner, hear the evidence as to the acts complained of, and, if  
32 the evidence so warrants, punish ((~~such~~)) the person in the same manner  
33 and to the same extent as for a contempt committed before the  
34 court((~~τ~~)) or commit ((~~such~~)) the person upon the same conditions as if  
35 the doing of the forbidden act had occurred with reference to the  
36 proceedings, or in the presence, of the court.

--- END ---