

2 SHB 1250 - S AMD 421

3 By Senators Pelz, Deccio and Wojahn

4 ADOPTED 4/22/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW
8 to read as follows:

9 (1)(a) If the worker or beneficiary in a state fund claim prevails
10 in an appeal by any party to the board or the court, the department
11 shall comply with the board or court's order with respect to the
12 payment of compensation within the later of the following time periods:

13 (i) Sixty days after the compensation order has become final and is
14 not subject to review or appeal; or

15 (ii) If the order has become final and is not subject to review or
16 appeal and the department has, within the period specified in (a)(i) of
17 this subsection, requested the filing by the worker or beneficiary of
18 documents necessary to make payment of compensation, sixty days after
19 all requested documents are filed with the department.

20 The department may extend the sixty-day time period for an
21 additional thirty days for good cause.

22 (b) If the department fails to comply with (a) of this subsection,
23 any person entitled to compensation under the order may institute
24 proceedings for injunctive or other appropriate relief for enforcement
25 of the order. These proceedings may be instituted in the superior
26 court for the county in which the claimant resides, or, if the claimant
27 is not then a resident of this state, in the superior court for
28 Thurston county.

29 (2) In a proceeding under this section, the court shall enforce
30 obedience to the order by proper means, enjoining compliance upon the
31 person obligated to comply with the compensation order. The court may
32 issue such writs and processes as are necessary to carry out its orders
33 and may award a penalty of up to one thousand dollars to the person
34 entitled to compensation under the order.

35 (3) A proceeding under this section does not preclude other methods
36 of enforcement provided for in this title.

