

HOUSE BILL REPORT

HB 1238

As Reported By House Committee On:

Commerce & Labor

Title: An act relating to the membership of the board of industrial insurance appeals.

Brief Description: Appointing a temporary member to the board of industrial insurance appeals due to illness of a board member.

Sponsors: Representatives Conway, Clements, Wood, McMorris and Hurst.

Brief History:

Committee Activity:

Commerce & Labor: 2/3/99, 2/18/99 [DP].

Brief Summary of Bill

- Allows the Governor to appoint an acting member to the Board of Industrial Insurance Appeals to serve *pro tem* if a board member is incapacitated for more than 30 days.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Staff: Alice Ostdiek (786-5793) and Chris Cordes (786-7103).

Background:

The Board of Industrial Insurance Appeals is an administrative body that hears appeals from administrative agency decisions primarily on workers' compensation, Washington Industrial Safety and Health Act citations, and crime victims' compensation.

The board is composed of one business member, one labor member, and one member of the public who must be an attorney. The business member and the labor member

are nominated separately by statewide organizations representing a majority of employers and a majority and cross-section of organized labor, respectively. Each organization submits at least three names for its seat. The organizations jointly name at least three attorneys for the public member seat. Appointments are made by the Governor, with the advice and consent of the Senate, from the submitted lists. Members serve six year terms.

The Governor is authorized to appoint additional members to the board in two circumstances:

- If a permanent vacancy on the board occurs, the Governor is authorized to appoint a successor to fill out the term.
- If the board faces an unusually heavy workload, the Governor may appoint two *pro tem* members, one representing labor and one representing business, for a limited period of time to help diminish a backlog.

In both instances, the statutory appointment process is followed.

Summary of Bill:

If a member of the Board of Industrial Insurance Appeals becomes incapacitated for more than 30 days because of illness or the illness of an immediate family member, the Governor shall appoint an acting member. The appointment process for the acting member will be the same as for other board appointments, except that time limits are created. Nominating bodies have 15 days to submit nominations and the Governor has 15 days from receiving a nomination list in which to make the appointment.

An acting member serves until the board member is able to reassume his or her duties or the term expires, whichever occurs first.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Current law creates an imbalance between labor and business on the board if a member is absent. This correction is necessary to maintain balance between labor interests and business interests on the board.

Testimony Against: None.

Testified: Margie Weinberg, Washington Self-Insurers Association; Robert Stern, Washington State Labor Council; and Clif Finch, Association of Washington Business.