

# SENATE BILL REPORT

## SB 5515

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As Passed Senate, March 19, 2003

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

**Brief Description:** Allowing judicial members on the board of industrial insurance appeals.

**Sponsors:** Senators Johnson, Kline and Sheahan.

**Brief History:**

**Committee Activity:** Commerce & Trade: 2/12/03, 2/21/03 [DP].

Passed Senate: 3/19/03, 49-0.

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### SENATE COMMITTEE ON COMMERCE & TRADE

**Majority Report:** Do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

**Staff:** John Dzedzic (786-7784)

**Background:** The Department of Labor and Industries issues orders under the industrial insurance laws, the Worker Industrial Safety and Health Act, and other programs delegated to it. Employers, workers, providers or others who disagree with an order of the department may appeal to the Board of Industrial Insurance Appeals (Board), an independent state agency.

Board hearings are conducted by industrial appeals judges, who must be "active" members of the Washington State Bar Association (WSBA). These judges enter "proposed or recommended" decisions, which become final unless a party to the appeal petitions for review by the Board. Decisions of the Board may be appealed to the superior court.

The Board has three full-time members. The Governor appoints two members from lists of persons recommended by certain statewide organizations to represent employers and workers. The third member represents the public and serves as Chair of the Board. The Governor selects this member from a "mutually agreed list of not less than three active members" of the WSBA, submitted by the organizations that recommended the other two members of the Board.

Only active members of the WSBA may practice law in Washington. An active WSBA member who becomes a judge or full-time administrative law judge may change to "judicial" membership status. A judicial member of the WSBA is not required to pay WSBA membership fees, and is prohibited from practicing law.

**Summary of Bill:** Industrial Insurance Appeals judges and the Chair of the Board of Industrial Insurance Appeals may be either "active" or "judicial" members of the WSBA.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Having judicial members of the Washington State Bar Association available to serve on the Board of Industrial Insurance Appeals and as industrial appeals judges broadens the pool of qualified and experienced candidates for those positions.

**Testimony Against:** None.

**Testified:** PRO: Bev Hermanson, WFSE.