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HOUSE BILL 1483

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Lantz and Campbell

Read first time 01/28/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the board of industrial insurance appeals; and  
2 amending RCW 51.52.010 and 51.52.104.

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

4 **Sec. 1.** RCW 51.52.010 and 1999 c 149 s 1 are each amended to read  
5 as follows:

6 There shall be a "board of industrial insurance appeals,"  
7 hereinafter called the "board," consisting of three members appointed  
8 by the governor, with the advice and consent of the senate, as  
9 hereinafter provided. One shall be a representative of the public and  
10 a lawyer, appointed from a mutually agreed to list of not less than  
11 three active or judicial members of the Washington state bar  
12 association, submitted to the governor by the two organizations defined  
13 below, and such member shall be the chairperson of said board. The  
14 second member shall be a representative of the majority of workers  
15 engaged in employment under this title and selected from a list of not  
16 less than three names submitted to the governor by an organization,  
17 statewide in scope, which through its affiliates embraces a cross  
18 section and a majority of the organized labor of the state. The third  
19 member shall be a representative of employers under this title, and

1 appointed from a list of at least three names submitted to the governor  
2 by a recognized statewide organization of employers, representing a  
3 majority of employers. The initial terms of office of the members of  
4 the board shall be for six, four, and two years respectively.  
5 Thereafter all terms shall be for a period of six years. Each member  
6 of the board shall be eligible for reappointment and shall hold office  
7 until his or her successor is appointed and qualified. In the event of  
8 a vacancy the governor is authorized to appoint a successor to fill the  
9 unexpired term of his or her predecessor. All appointments to the  
10 board shall be made in conformity with the foregoing plan. In the  
11 event a board member becomes incapacitated in excess of thirty days  
12 either due to his or her illness or that of an immediate family member  
13 as determined by a request for family leave or as certified by the  
14 affected member's treating physician, the governor shall appoint an  
15 acting member to serve pro tem. Such an appointment shall be made in  
16 conformity with the foregoing plan, except that the list of candidates  
17 shall be submitted to the governor not more than fifteen days after the  
18 affected organizations are notified of the incapacity and the governor  
19 shall make the appointment within fifteen days after the list is  
20 submitted. The temporary member shall serve until such time as the  
21 affected member is able to reassume his or her duties by returning from  
22 requested family leave or as determined by the treating physician or  
23 until the affected member's term expires, whichever occurs first.  
24 Whenever the workload of the board and its orderly and expeditious  
25 disposition shall necessitate, the governor may appoint two additional  
26 pro-tem members in addition to the regular members. Such appointments  
27 shall be for a definite period of time, and shall be made from lists  
28 submitted respectively by labor and industry as in the case of regular  
29 members. One pro-tem member shall be a representative of labor and one  
30 shall be a representative of industry. Members shall devote their  
31 entire time to the duties of the board and shall receive for their  
32 services a salary as fixed by the governor in accordance with the  
33 provisions of RCW 43.03.040 which shall be in addition to travel  
34 expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing  
35 or hereafter amended. Headquarters for the board shall be located in  
36 Olympia. The board shall adopt a seal which shall be judicially  
37 recognized.

1       **Sec. 2.** RCW 51.52.104 and 1985 c 314 s 1 are each amended to read  
2 as follows:

3       After all evidence has been presented at hearings conducted by an  
4 industrial appeals judge, who shall be an active or judicial member of  
5 the Washington state bar association, the industrial appeals judge  
6 shall enter a proposed or recommended decision and order which shall be  
7 in writing and shall contain findings and conclusions as to each  
8 contested issue of fact and law, as well as the order based thereon.  
9 The industrial appeals judge shall file the signed original of the  
10 proposed decision and order with the board, and copies thereof shall be  
11 mailed by the board to each party to the appeal and to each party's  
12 attorney or representative of record. Within twenty days, or such  
13 further time as the board may allow on written application of a party,  
14 filed within said twenty days from the date of communication of the  
15 proposed decision and order to the parties or their attorneys or  
16 representatives of record, any party may file with the board a written  
17 petition for review of the same. Filing of a petition for review is  
18 perfected by mailing or personally delivering the petition to the  
19 board's offices in Olympia. Such petition for review shall set forth  
20 in detail the grounds therefor and the party or parties filing the same  
21 shall be deemed to have waived all objections or irregularities not  
22 specifically set forth therein.

23       In the event no petition for review is filed as provided herein by  
24 any party, the proposed decision and order of the industrial appeals  
25 judge shall be adopted by the board and become the decision and order  
26 of the board, and no appeal may be taken therefrom to the courts. If  
27 an order adopting the proposed decision and order is not formally  
28 signed by the board on the day following the date the petition for  
29 review of the proposed decision and order is due, said proposed  
30 decision and order shall be deemed adopted by the board and become the  
31 decision and order of the board, and no appeal may be taken therefrom  
32 to the courts.

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