

SENATE BILL REPORT

SB 5600

AS OF JANUARY 14, 1994

Brief Description: Making available depositions and transcripts before the board of industrial insurance appeals.

SPONSORS: Senators Moore, Newhouse, Vognild, Anderson, Amondson, Prince, Prentice and Winsley

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Dave Cheal (786-7576)

Hearing Dates: January 17, 1994

BACKGROUND:

Certain orders of the Department of Labor and Industries in both the industrial insurance program and the programs under the Washington Industrial Safety and Health Act are appealable to the Board of Industrial Insurance Appeals. Frequently, the preparation for the hearing on the appeal involves taking of one or more depositions before a court reporter which is then transcribed and forwarded to the board. All parties are, of course, present or entitled to be present at the time the depositions are taken, but parties do not automatically receive a copy of the transcript. A party is entitled to a copy of the transcript either upon a showing of good cause in a request to the board, or if they pay for the transcript.

Hearings on appeals are frequently not completed in one day and may be interrupted for several days prior to the next phase of the hearing. Portions of a hearing may be transcribed and filed with the board prior to the conclusion of the entire hearing. Parties are not automatically entitled to copies of these transcripts or partial transcripts during the pendency of the hearing.

Procedure before the Board of Industrial Insurance Appeals is governed in part by statute and in part by the rules of civil procedure of the superior court.

SUMMARY:

The statute governing the procedure relating to appeals before the Board of Industrial Insurance Appeals is amended to provide that once a deposition has been filed with the board, it shall be made available to any party upon request. Once a transcript or portion of the proceedings in an appeal has been filed with the board, a copy must be made available to any party upon request. The board is given 20 days to provide copies.

Appropriation: none

Revenue: none

Fiscal Note: requested