

HOUSE BILL ANALYSIS

HB 1238

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

Sponsors: Conway, Clements

Hearing: February 3, 1999

Brief Summary of Bill

Allows the governor to appoint an acting member to the BIIA to serve *pro tem* if a board member is incapacitated for more than 30 days.

BACKGROUND:

The Board of Industrial Insurance Appeals (BIIA) is an administrative body which 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. In both instances, the statutory appointment process is followed.

- 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.

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 may 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.

RULES AUTHORITY: The bill does not contain provisions addressing the rule making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.