

# HOUSE BILL REPORT

## HB 1483

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**As Passed House:**

March 14, 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:** By Representatives Lantz and Campbell.

**Brief History:**

**Committee Activity:**

Commerce & Labor: 2/6/03, 2/26/03 [DP].

**Floor Activity:**

Passed House: 3/14/03, 56-39.

**Brief Summary of Bill**

- Allows the chairperson and the industrial appeals judges of the Board of Industrial Insurance Appeals to be either active or judicial members of the Washington State Bar Association.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins, Kenney and McCoy.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

**Staff:** Chris Cordes (786-7103).

**Background:**

The Board of Industrial Insurance Appeals

The Board of Industrial Insurance Appeals (Board) is a quasi-judicial independent state agency that conducts hearings to determine appeals brought by employers, workers,

providers, and others from orders issued by the Department of Labor and Industries. These orders concern decisions made under the industrial insurance program, the Washington Industrial Safety and Health Act, and the crime victims' compensation program, among others.

The Board has three full-time members appointed by the Governor to represent the public, workers, and employers, respectively. The public member is the chairperson of the Board and must be a lawyer and an active member of the Washington State Bar Association (WSBA).

The Board's hearings are conducted by industrial appeals judges who must be active WSBA members. After conducting a hearing, the industrial appeals judge will enter a proposed decision. This decision will become the final decision of the Board unless a party files a written petition for review as specified. If the Board reviews a decision, the final decision may be appealed to Superior Court.

#### Membership in the Washington State Bar Association

The WSBA has several classes of membership, including active, inactive, and judicial members. Only active members are permitted to practice law. Active members who become judges or full-time administrative law judges may change their status to judicial members. Judicial members are deemed inactive members, are not permitted to practice law, and are not required to pay the membership fees required of either active or inactive members.

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#### **Summary of Bill:**

A change is made in the requirement that the Board of Industrial Insurance Appeals' chairperson and the industrial appeals judges be active members of the WSBA. This appointee and the industrial appeals judges may be either active or judicial members of the WSBA.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill will bring the requirements that apply to industrial appeals judges at the Board of Industrial Insurance Appeals more in line with those that apply to other administrative law judges. The statute should reflect the options that are available

to these judges as members of the Washington State Bar Association.

**Testimony Against:** None.

**Testified:** Tom Egan, Board of Industrial Insurance Appeals; and Bev Hermanson, Washington Federation of State Employees.