

---

**Commerce & Labor Committee**

---

**HB 1949**

**Brief Description:** Providing industrial insurance coverage for workers involved in harvesting geoduck clams.

**Sponsors:** Representatives Williams, Conway, B. Sullivan, Strow, Sells, Appleton, Kessler, Hinkle, McCoy, Walsh, Chandler, Pearson, Condotta, Kenney, Hasegawa, Moeller and Ormsby.

**Brief Summary of Bill**

- Applies the state Industrial Insurance Act to certain employers and workers involved in the business of harvesting geoducks.

**Hearing Date:** 2/15/07

**Staff:** Sarah Beznoska (786-7109).

**Background:**

The Longshore and Harbor Workers' Compensation Act, administered by the U.S. Department of Labor, provides medical benefits, compensation for lost wages and rehabilitation services to longshoremen, harbor workers and other maritime workers who are injured during the course of employment or suffer from diseases caused or worsened by conditions of employment. Under the United States Longshore and Harbor Workers' Compensation Act, businesses whose employees are employed in maritime employment on or near the navigable waters of the United States are required to purchase longshore and harbor workers' compensation insurance.

There are exclusions to coverage under the Longshore and Harbor Workers' Compensation Act. The exclusions apply if the workers are covered by a state workers' compensation law. The exclusions include an exclusion for aquaculture workers.

The federal Jones Act also provides a remedy to seamen for injuries arising out of employment. Under the Jones Act, an injured seaman may obtain damages from his or her employer for the negligence of the vessel's owner, the captain, or other crew members.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The state Industrial Insurance Act does not apply to employers and workers for whom a right or obligation exists under the maritime laws.

**Summary of Bill:**

The state Industrial Insurance Act applies to commercial divers harvesting geoduck clams, workers tending to such divers, and the employers of such divers and tenders. The state Industrial Insurance Act applies whether or not the work is performed from a vessel.

**Rules Authority:** The bill does not address the rule making authority of an agency.

**Appropriation:** None.

**Fiscal Note:** Requested on February 9, 2007.

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