

bination of such transfer and terminal facilities, commercial transportation, transfer, handling, storage and terminal facilities, and improvements relating to industrial and manufacturing activities within the district, and in connection with the operation of the facilities and improvements of the district, it may perform all customary services including the handling, weighing, measuring and reconditioning of all commodities received. A port district may also construct, condemn, purchase, acquire, add to and maintain facilities for the freezing or processing of goods, agricultural products, meats or perishable commodities. A port district may also construct, purchase and operate belt line railways, but shall not acquire the same by condemnation.

Passed the Senate February 27, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

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## CHAPTER 148.

[ S. B. 260. ]

### INDUSTRIAL INSURANCE APPEALS.

AN ACT relating to industrial insurance; amending section 51.52-.060, chapter 23, Laws of 1961 as amended by section 8, chapter 274, Laws of 1961 and RCW 51.52.060; amending section 51.52.080, chapter 23, Laws of 1961 and RCW 51.52-.080; amending section 51.52.095, chapter 23, Laws of 1961 and RCW 51.52.095; amending section 51.52.100, chapter 23, Laws of 1961 and RCW 51.52.100; amending section 51.52.102, chapter 23, Laws of 1961 and RCW 51.52.102; amending section 51.52.106, chapter 23, Laws of 1961 and RCW 51.52.106; and adding a new section to chapter 51.52 RCW.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 51.52.060, chapter 23, Laws of 1961 as amended by section 8, chapter 274, Laws

RCW 51.52.060  
amended.

of 1961 and RCW 51.52.060 are each amended to read as follows:

Industrial insurance appeals. Notice of—Time—Cross-appeal—Department may modify, reverse, etc., prior to notice, denial of appeal.

Any workman, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the workman or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: *Provided*, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: *And provided*, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: *And provided*, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: *Provided, further*, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order,

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decision, or award in abeyance pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

SEC. 2. Section 51.52.080, chapter 23, Laws of 1961 and RCW 51.52.080 are each amended to read as follows:

RCW 51.52.080 amended.

If the notice of appeal raises no issue or issues of fact and the board finds that the department properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the department's decision or award, or if the department's record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal and order a hearing to decide the issues raised.

Appeal to board denied, when.

SEC. 3. Section 51.52.095, chapter 23, Laws of 1961 and RCW 51.52.095 are each amended to read as follows:

RCW 51.52.095 amended.

The board, upon request of the workman, beneficiary, or employer, or upon its own motion, may direct all parties interested in an appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized hearing examiner, for a conference for the purpose of determining the feasibility of settlement, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at

Conference for disposal of matters involved in appeal.

the discretion of the board member or hearing examiner conducting the same, in which case the hearing will be recessed for such conference. Following the conference, the board member or hearing examiner conducting the same, shall state on the record the results of such conference, and the parties present or their representatives shall state their concurrence on the record. Such agreement as stated on the record shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer and workman or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

**Note:** See also section 1, chapter 6, Laws of 1963.

RCW 51.52.100  
amended.

**SEC. 4.** Section 51.52.100, chapter 23, Laws of 1961 and RCW 51.52.100 are each amended to read as follows:

Industrial  
insurance  
appeals.  
Proceedings  
before board—  
Contempt.

Hearings shall be held in the county of the residence of the workman or beneficiary, or in the county where the injury occurred, at a place designated by the board. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes and rules relating to superior courts of this state. The department shall be entitled to appear in all proceedings before the board and introduce testimony in support of its order. The board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed, the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the board may be con-

ducted by one or more of its members, or a duly authorized hearing examiner, and depositions may be taken by a person duly commissioned for the purpose by the board.

Members of the board, its duly authorized hearing examiners, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the board or any member or duly authorized hearing examiner may certify the facts to the superior court having jurisdiction in the place in which said board or member or hearing examiner is sitting; the court shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had oc-

curred with reference to the proceedings, or in the presence, of the court.

RCW 51.52.102 amended.

SEC. 5. Section 51.52.102, chapter 23, Laws of 1961 and RCW 51.52.102 are each amended to read as follows:

Industrial insurance appeals, Hearing the appeal—Evidence—Continuances.

At the time and place fixed for hearing each party shall present all his evidence with respect to the issues raised in the notice of appeal, and if any party fails so to do, the board may determine the issues upon such evidence as may be presented to it at said hearing, or if an appealing party who has the burden of going forward with the evidence fails to present any evidence, the board may dismiss the appeal: *Provided*, That for good cause shown in the record to prevent hardship, the board may grant continuances upon application of any party, but such continuances, when granted, shall be to a time and place certain within the county where the initial hearing was held unless it shall appear that a continuance elsewhere is required in justice to interested parties: *And provided further*, That the board may continue hearings on its own motion to secure in an impartial manner such evidence, in addition to that presented by the parties, as the board, in its opinion, deems necessary to decide the appeal fairly and equitably, but such additional evidence shall be received subject to any objection as to its admissibility, and, if admitted in evidence all parties shall be given full opportunity for cross-examination and to present rebuttal evidence.

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New section.

SEC. 6. There is added to chapter 51.52 RCW a new section to read as follows:

Recommended order—Preparation—Filing—Exception to—Adoption.

After all evidence has been presented at hearings conducted by a hearing examiner, who shall be an active member of the Washington state bar association, the hearing examiner shall prepare a proposed or recommended decision and order which shall be

in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original of the proposed decision and order, signed by him, with the board, and copies thereof shall be mailed by the board to each party to the appeal and to his attorney of record. Within twenty days, or such further period as the board may allow on application of a party, from the date of communication of the proposed decision and order to the parties or their attorneys of record, any party may file with the board a written statement of exceptions to the same. Such statement of exceptions shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein.

In the event no statement of exceptions is filed as provided herein by any party, the proposed decision and order of the hearing examiner shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

SEC. 7. Section 51.52.106, chapter 23, Laws of 1961 and RCW 51.52.106 are each amended to read as follows:

RCW 51.52.106  
amended.

After the filing of a statement or statements of exceptions as provided for in section 6, the record before the board shall be considered by a least two of the members of the board, and the decision and order of the majority of the members shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. A copy of the decision and order, including the findings and conclusions, shall

Decision and  
order on  
appeal.

be mailed to each party to the appeal and to his attorney of record.

Passed the Senate March 3, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 149.

[ S. B. 284. ]

ARMORIES—AUTHORIZED USES.

AN ACT relating to armories; amending section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 125, Laws of 1949 and RCW 38.20.010; and repealing section 1, chapter 135, Laws of 1961 (uncodified).

*Be it enacted by the Legislature of the State of Washington:*

RCW 38.20.010 amended.

SECTION 1. Section 93, chapter 130, Laws of 1943, as last amended by section 1, chapter 125, Laws of 1949 and RCW 38.20.010 are each amended to read as follows:

Armories—Regulations governing.

State owned armories may be used for strictly military purposes: *Provided*, That one room may be set aside for the exclusive use of bona fide veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room and the use thereof at all times: *Provided, further*, That any bona fide veterans' organization may be permitted the use of any state armory for athletic and social events at such times as any such armory shall not be required for the use of units of the organized militia, without the payment of rent, but the adjutant general may require such veterans' organization to pay the cost of heating, lighting or other miscellaneous expenses incidental to such use: *Provided, also*, The adjutant

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