

diem of fifteen dollars for the time actually spent on the work of the commission, and reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode. Members of the commission who are in the regular employ of the state shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees. Payment of all expenses incurred by the interstate compact commission, including the per diem and expenses of its members, shall be made on vouchers approved by its chairman.

Passed the Senate May 5, 1965.

Passed the House May 5, 1965.

Approved by the Governor May 12, 1965.

CHAPTER 165.

[Senate Bill No. 564.]

INDUSTRIAL INSURANCE—BENEFITS—PAYMENTS— APPEAL BOARD—COMMITTEE ON APPEALS.

AN ACT relating to industrial insurance; revising the schedule of benefits; providing for the payment of certain awards and benefits; pertaining to the board of industrial insurance appeals and prescribing procedures in relation thereto; creating a committee on industrial insurance appeals and prescribing powers, duties, and procedures in relation thereto; amending section 51.32.040, chapter 23, Laws of 1961, and RCW 51.32.040; amending section 51.32.080, chapter 23, Laws of 1961, as amended by section 3, chapter 274, Laws of 1961, and RCW 51.32.080; amending section 51.52-.010, chapter 23, Laws of 1961, as amended by section 8, chapter 307, Laws of 1961, and RCW 51.52.010; amending section 51.52.106, chapter 23, Laws of 1961, as amended by section 7, chapter 148, Laws of 1963, and RCW 51.52.106; making an appropriation; and declaring an emergency and an effective date.

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

RCW 51.32.080 amended.

SECTION 1. Section 51.32.080, chapter 23, Laws of 1961 as amended by section 3, chapter 274, Laws of 1961 and RCW 51.32.080 are each amended to read as follows:

Industrial insurance. Compensation. Permanent partial disability—Specified—Unspecified—Injury after permanent partial disability.

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below tuberosity of ischium)	\$15,000.00
Of leg at or above knee joint with functional stump	13,500.00
Of leg below knee joint	12,000.00
Of leg at ankle (Syme)	10,500.00
Of foot at mid-metatarsals	5,250.00
Of great toe with resection of metatarsal bone	3,150.00
Of great toe at metatarsophalangeal joint.	1,890.00
Of great toe at interphalangeal joint....	1,000.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	1,150.00
Of lesser toe at metatarsophalangeal joint	560.00
Of lesser toe at proximal interphalangeal joint	415.00
Of lesser toe at distal interphalangeal joint	105.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder..	15,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon..	14,250.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including midmetacarpal amputation of the hand	13,500.00
Of all fingers except the thumb at metacarpophalangeal joints	8,100.00

Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	5,400.00
Of thumb at interphalangeal joint.....	2,700.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	3,375.00
Of index finger at proximal interphalangeal joint	2,700.00
Of index finger at distal interphalangeal joint	1,485.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	2,700.00
Of middle finger at proximal interphalangeal joint	2,160.00
Of middle finger at distal interphalangeal joint	1,215.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	1,350.00
Of ring finger at proximal interphalangeal joint	1,080.00
Of ring finger at distal interphalangeal joint	675.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	675.00
Of little finger at proximal interphalangeal joint	540.00
Of little finger at distal interphalangeal joint	270.00

MISCELLANEOUS

Loss of one eye by enucleation	6,000.00
Loss of central visual acuity in one eye...	5,000.00
Complete loss of hearing in both ears....	12,000.00
Complete loss of hearing in one ear.....	2,000.00

Industrial
insurance.
Compensation.
Permanent
partial dis-
ability—
Specified—
Unspecified—
Injury after
permanent
partial
disability.

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in an amount equal to eighty-five percent of the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of twelve thousand seven hundred and fifty dollars: *Provided*, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of twelve thousand seven hundred and fifty dollars: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and

the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds one thousand dollars, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in the amount of one thousand dollars and interest shall be paid at the rate of five percent on the unpaid balance of such compensation commencing with the second monthly payment: *Provided*, That interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account: *Provided further*, That upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and shall rest in the discretion of the department depending upon the merits of each individual application: *Provided further*, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

SEC. 2. Section 51.32.040, chapter 23, Laws of 1961, and RCW 51.32.040 are each amended to read as follows:

RCW 51.32.040
amended.

No money paid or payable under this title out of the accident fund or out of the medical aid fund shall, prior to the issuance and delivery of the war-

Exemption of
awards—Pay-
ment of
awards after
death, etc.

Industrial insurance. Compensation. Exemption of awards—Payment of awards after death—Suspension of awards during confinement under conviction and sentence.

rant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: *Provided*, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury and dies from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leaves a widow, or to his child or children if he leaves a child or children and does not leave a widow: *Provided further*, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leaves a widow, or to his child or children, if he leaves a child or children and does not leave a widow: *Provided further*, That if the injured workman resided in the United States as long as three years prior to the date of the injury, such payment shall not be made to any widow or child who was at the time of the injury a non-resident of the United States: *Provided further*, That any workman receiving benefits under this act who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled by the department dur-

ing the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: *Provided further*, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

SEC. 3. Section 51.52.010, chapter 23, Laws of 1961, as amended by section 8, chapter 307, Laws of 1961, and RCW 51.52.010 are each amended to read as follows:

RCW 51.52.010
amended.

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in extrahazardous employment and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers engaged in extrahazardous industry, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority

Board of
industrial
insurance
appeals.
Members—
Terms—
Salaries—
Headquarters
—Pro-tem
members.

Industrial insurance. Board of industrial insurance appeals. Members—Terms—Salaries—Headquarters—Pro-tem members.

of employers who are substantial contributors to the industrial insurance and accident fund. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to reasonable travel allowance. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

RCW 51.52.106 amended.

SEC. 4. Section 51.52.106, chapter 23, Laws of 1961, as amended by section 7, chapter 148, Laws of 1963, and RCW 51.52.106 are each amended to read as follows:

Decision and order on appeal.

After the filing of a statement or statements of exceptions as provided for in RCW 51.52.104 the record before the board shall be considered by a panel of least two of the members of the board, on which not more than one industry and one labor member serve. The chairman may be a member of

any panel. The decision and order of any such panel 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 be mailed to each party to the appeal and to his attorney of record.

SEC. 5. There is hereby created a committee on industrial insurance appeals. As used in this act unless the context indicates otherwise the term "committee" shall mean the committee on industrial insurance appeals.

Committee on
industrial
insurance
appeals.
Created.

SEC. 6. The committee shall have the following membership:

Committee
membership.

(1) Two senators to be appointed by the president of the senate, not more than one from the same political party, and two representatives to be appointed by the speaker of the house, not more than one from the same political party;

(2) Three members to represent labor, to be appointed by the governor from lists submitted by major state-wide labor organizations;

(3) Three members to represent industry to be appointed by the governor from lists submitted by organizations of employers engaged in extrahazardous industries;

(4) Two members who shall be active members of the Washington State Bar Association and who have had experience in handling appeals in industrial insurance cases, one of whom shall be selected by the members of the committee representing labor and one of whom shall be selected by the members of the committee representing industry; and

(5) A judge of the superior court to be selected by the members of the committee designated in paragraphs (1) through (4) above.

Industrial insurance. Committee on industrial insurance appeals. Chairman—Rules of procedure—Legislative council as staff.

SEC. 7. The committee, by majority vote, shall select from among the members a chairman and such other officers as the committee shall deem appropriate. The committee, by majority vote, may prescribe rules of procedure for itself and take such other action as it shall deem appropriate to accomplish its purposes. The legislative members of the committee shall serve as liaison members to the legislative council. The staff of the legislative council shall serve as the staff of the committee and shall provide such clerical, research and other assistance as the committee shall deem appropriate to accomplish its purposes.

Committee expenses—Payment.

SEC. 8. The members of the committee shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the committee in the same manner as legislators engaged in interim committee business as in 44.04.120 RCW. Payment of expenses shall be made by vouchers approved in the same manner as other expenses of the legislative council.

Committee duties.

SEC. 9. The committee shall review the handling of appeals in industrial insurance cases from the entry of the first appealable order to the entry of a final order of the board of industrial insurance appeals or a judgment of the superior court, and shall study and review methods of improving and expediting the processing of industrial insurance cases. The department of labor and industries, the board of industrial insurance appeals and the superior courts of the state shall cooperate with the committee and supply such information to the committee as it may require to accomplish its purposes. The committee shall submit to the governor and to the legislative council prior to November 1, 1966 a report which shall contain specific recommendations as to necessary or desirable changes, if any, in the laws and procedures applicable to industrial insurance

appeals. The report also shall include any proposed legislation necessary to implement the recommendations of the committee.

SEC. 10. There is hereby appropriated out of the medical aid fund to the legislative council for the biennium ending June 30, 1967 to carry out the purposes of sections 5, 6, 7, 8 and 9 of this act the sum of twenty thousand dollars, or so much thereof as may be necessary. Appropriation.

SEC. 11. The committee herein created shall be deemed abolished upon the convening of the fortieth regular session of the legislature and sections 5, 6, 7, 8 and 9 of this act shall be of no further effect at such time. Termination
of committee.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1965. Emergency.

Passed the Senate May 6, 1965.

Passed the House April 23, 1965.

Approved by the Governor May 12, 1965.