

district under RCW 54.08.010 shall, submit to the voters for their approval or rejection the proposal that said public utility district be authorized to exercise the powers set forth in section 1 of this act.

NEW SECTION. Sec. 3. The legislative authority of the county in which the public utility district is located, upon receipt of the resolution of the public utility district commission or petition as provided for in RCW 54.08.010, shall submit such proposal to the voters of the district at the next general election in substantially the following terms:

Shall Public Utility District No. ___ of ___ County be authorized to acquire, construct, operate, maintain, and add to sewage systems?

Yes

No

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the powers set forth in section 1 of this act.

NEW SECTION. Sec. 4. Accounts and funding for any sewage system or systems shall be kept as provided in RCW 43.09.210.

NEW SECTION. Sec. 5. Nothing contained in sections 1 through 4 of this act shall change or alter the present authority of certain public utility districts as regards sewage systems and as provided in RCW 54.16.180.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 54.16 RCW.

Passed the Senate April 4, 1975.

Passed the House May 13, 1975.

Approved by the Governor May 21, 1975.

Filed in Office of Secretary of State May 21, 1975.

CHAPTER 58

[House Bill No. 16]

DEPARTMENT OF LABOR AND INDUSTRIES— ORDERS—APPEAL PROCEDURE

AN ACT Relating to appeals from final orders of the department of labor and industries; amending section 51.52.050, chapter 23, Laws of 1961 and RCW 51.52.050; amending section 51.52.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1963 and RCW 51.52.060; amending section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070; and amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 23, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.106.

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

Section 1. Section 51.52.050, chapter 23, Laws of 1961 and RCW 51.52.050 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the workman, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of

the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award must be appealed to the board, Olympia, within sixty days, or the same shall become final.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the workman, beneficiary, employer, or other person aggrieved thereby may appeal to the board and said appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

Sec. 2. Section 51.52.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1963 and RCW 51.52.060 are each amended to read as follows:

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 in the event the department shall direct the submission of further evidence or the investigation of any further fact, as above provided, the department shall render a final order, decision, or award within ninety days from the date such further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days: 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, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days 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. 3. Section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070 are each amended to read as follows:

The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such workman, beneficiary, employer, or other person relies in support thereof. The workman, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department. The department shall promptly transmit its original record, or a legible copy thereof produced by mechanical, photographic, or electronic means, in such matter to the board.

Sec. 4. Section 51.52.106, chapter 23, Laws of 1961 as last amended by section 23, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.106 are each amended to read as follows:

After the filing of a petition or petitions for review as provided for in RCW 51.52.104 the proposed decision and order of the hearing examiner, petition or petitions for review and, in its discretion, the record or any part thereof, may be considered by the board and on agreement of at least two of the regular members thereof, the board may, within twenty days after the receipt of such petition or petitions, decline to review the proposed decision and order and thereupon deny the petition or petitions. In such event all parties shall forthwith be notified in writing of said denial: PROVIDED, That if a petition for review is not denied within said twenty days it shall be deemed to have been granted. If the petition for review is granted, the proposed decision and order, the petition or petitions for review and the record or any part thereof deemed necessary shall be considered by a panel of at 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. The board shall, in all cases, render a final decision and order within one hundred and eighty days from the date a petition for review is filed. 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.

Passed the House May 13, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.