

services may place his or her license in an inactive status. The director may prescribe requirements for maintaining an inactive status and converting from an inactive or active status.

**NEW SECTION.** Sec. 2. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 296, Laws of 1985 and RCW 43.131.335; and
- (2) Section 3, chapter 296, Laws of 1985 and RCW 43.131.336.

Passed the Senate February 6, 1990.

Passed the House February 26, 1990.

Approved by the Governor March 6, 1990.

Filed in Office of Secretary of State March 6, 1990.

**CHAPTER 14**

[Senate Bill No. 6327]

**STATE PATROL—EXEMPT POSITIONS**

AN ACT Relating to exempt positions within the Washington state patrol; and adding a new section to chapter 41.06 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the Washington state patrol to confidential secretaries of agency bureau chiefs, or their functional equivalent, and a confidential secretary for the chief of staff: PROVIDED, That each confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board.

Passed the Senate February 5, 1990.

Passed the House February 27, 1990.

Approved by the Governor March 6, 1990.

Filed in Office of Secretary of State March 6, 1990.

**CHAPTER 15**

[Senate Bill No. 6514]

**DEPARTMENT OF LABOR AND INDUSTRIES AND BOARD OF INDUSTRIAL INSURANCE APPEALS—ATTORNEY'S FEES**

AN ACT Relating to attorney's fees before the department of labor and industries and the board of industrial insurance appeals; and amending RCW 51.52.120.

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

Sec. 1. Section 51.52.120, chapter 23, Laws of 1961 as last amended by section 22, chapter 63, Laws of 1982 and RCW 51.52.120 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director or the director's designee for services performed by an attorney for such worker or beneficiary, ~~((prior to the notice of appeal to the board if written application therefor is made by the attorney, worker, or beneficiary))~~ if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the department is communicated to the party making the application.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the board is communicated to the party making the application. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board. Any person who violates any provision of this section shall be guilty of a misdemeanor.

Passed the Senate February 8, 1990.

Passed the House February 26, 1990.

Approved by the Governor March 6, 1990.

Filed in Office of Secretary of State March 6, 1990.

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## CHAPTER 16

[Senate Bill No. 6549]

### PUBLIC UTILITY DISTRICTS—EMPLOYEE COMPENSATION

AN ACT Relating to compensation of public utility district employees; and amending RCW 54.16.100.

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