

HOUSE BILL REPORT

HB 1314

As Reported By House Committee On:

Law & Justice

Title: An act relating to computing the time within which an act is to be done.

Brief Description: Computing the time within which an act is to be done.

Sponsors: Representatives Bush, Cooper, Carrell, Wood, Smith, Lambert, McDonald, Benson, Mielke, Cole, Talcott, Romero, Mastin, Scott, Sheahan, Lantz, L. Thomas, D. Schmidt, Cooke, Sherstad, Wensman and Dunn.

Brief History:

Committee Activity:

Law & Justice: 2/4/95, 2/11/97 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Edie Adams (786-7180).

Background: A chapter of the Revised Code of Washington provides general rules on the construction of statutory provisions. These general rules apply throughout the code unless a particular statute provides otherwise.

Many provisions of the law require an act to be done within a specified period of time. The general rule on how to compute time provides that a time period shall be computed by excluding the first day and including the last day, except that if the last day is a holiday or a Sunday, that day is also excluded.

The Pollution Control Hearings Board hears and decides certain appeals from administrative decisions of the Department of Ecology. An appeal of a decision of the Department of Ecology must be made to the Pollution Control Hearings Board within 30 days from the date of the notice of the department's decision. A court of

appeals case held that the 30-day period starts when the notice of the decision is mailed.

Summary of Substitute Bill: The general rule on the computation of time is amended to exclude a Saturday from the calculation if the Saturday is the last day.

The provision concerning an appeal of an administrative decision to the Pollution Control Hearings Board is amended to specifically provide that the 30-day period starts on the day that the notice of the administrative decision is mailed to the appealing party.

Substitute Bill Compared to Original Bill: The original bill did not amend the provision concerning the time within which an appeal of a Pollution Control Hearings Board decision must be made.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The rule on computation of time needs to exclude Saturday, because state offices are not open on Saturdays. If the last day to file an appeal falls on Saturday, no one is at the office to accept the notice.

Testimony Against: None.

Testified: Representative Bush, prime sponsor; Richard Kelley, Pollution Control Hearings Board (pro, with amendment); and Richard Heath, Attorney General's Office (pro).