

SENATE BILL REPORT

SB 5606

As Passed Senate, March 9, 1999

Title: An act relating to administrative appeals judges in the environmental hearings office.

Brief Description: Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

Sponsors: Senators Heavey and McCaslin; by request of Environmental Hearings Office.

Brief History:

Committee Activity: Judiciary: 2/12/99, 2/17/99 [DP].
Passed Senate, 3/9/99, 45-1.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Penny Nerup (786-7484)

Background: The Environmental Hearings Office was created in 1979 and consists of the Pollution Control Hearings Board, the Forest Practices Appeals Board, the Shoreline Hearings Board, and the Hydraulics Appeals Board. Currently, there are three administrative law judges with the Environmental Hearings Office.

The administrative appeals judges in the Environmental Hearings Office have concerns that, absent specific legislation, they could be disciplined or terminated at will, which would have a deleterious effect on their independence and impartiality. A "for cause" provision would formalize long standing informal office policy and would provide parity with their counterparts in the Office of Administrative Hearings.

Summary of Bill: Judges with the Environmental Hearings Office can be terminated or disciplined only for cause. Judges who are disciplined or terminated for cause may request a written reason for the action and are entitled to review of the written decision by the Superior Court of Thurston County.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Over 500 appeals per year are heard by the three administrative law judges with the Environmental Hearings Office. These are very complex hearings and require the

judges to manage the record and to provide written decisions. Allowing these judges to be disciplined or terminated for cause would be symbolic and encourage their independence and impartiality.

Testimony Against: None.

Testified: PRO: Hon. William A. Harrison, Environmental Hearings Office; James Tupper, Director, Environmental Hearings Office.