

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Energy Facility Site Evaluation Council

(name of governing body)

Energy Facility Site Evaluation Council

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 82-2

(1) Be it resolved by the Energy Facility Site Evaluation Council acting at Olympia, Washington (place)

that it does promulgate and adopt the annexed rules relating to:

- WAC 463-30-020 Hearings Examiners & Panels
WAC 463-30-030 Use of the term "Council"
WAC 463-30-040 Hearing Examiner Designation
WAC 463-30-320 Proposed Council order or recommendation

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on 2/1/82. Such rules shall take effect: 82-04-056

- [x] pursuant to RCW 34.04.040(2).
[] at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[x] (b) This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the

Energy Facility Site Evaluation Council

(agency)

has authority to implement the provisions of

Chapter 80.50 RCW

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

April 26, 1982

APR 30 1982

By William L. Fitch Executive Secretary Title

CODE REVISER'S OFFICE

WSR 82-10-027

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-020 ((Hearing examiners and panels)). Council conducted hearings and administrative law judges. The Council may ((appoint a single hearing examiner or multimember panel of Council members to)) conduct contested case hearings pursuant to chapter 80.50 RCW or it may utilize an administrative law judge provided by the office of administrative hearings pursuant to chapter 34.12 RCW. In the event the Council elects to conduct the hearing, the hearing shall be governed by the regulations and procedures contained in this chapter as applicable. ((Panels may consist of Council members or hearing examiners or both. This shall not preclude the full participation of any other Council member.))

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-030 Use of the term "Council." The term "Council," for purpose of this chapter, shall ((mean the Council, hearing panel, or hearing examiner, whichever is appropriate in context)) refer to the members of the Energy Facility Site Evaluation Council as constituted by law, or a panel of such members.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-30-040 Hearing examiner designation.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-320 Proposed Council order or recommendation. In any case where a contested case proceeding is conducted ((before a hearing panel or a hearing examiner)) by an administrative law judge or a panel of Council members less than a majority, there shall be prepared a proposed Council order, supported by written findings of fact and conclusions of law, copies of which shall be served upon all parties. The proposed order, findings and conclusions shall be transmitted to the Council. In a site certification proceeding, the proposed Council order shall be designated a Proposed Council Recommendation and shall be styled accordingly.