

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5402**

Chapter 90, Laws of 1999

56th Legislature  
1999 Regular Session

FOREST PRACTICES APPEALS BOARD--TECHNICAL CORRECTIONS

EFFECTIVE DATE: 7/25/99

Passed by the Senate March 13, 1999  
YEAS 48 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 8, 1999  
YEAS 95 NAYS 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

FRANK CHOPP  
**Speaker of the  
House of Representatives**

Approved April 22, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5402** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

April 22, 1999 - 3:52 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 5402**

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Passed Legislature - 1999 Regular Session

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By Senator Haugen**

Read first time 01/21/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to the forest practices appeals board; and  
2 reenacting RCW 76.09.220.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 76.09.220 and 1997 c 423 s 2 and 1997 c 290 s 5 are  
5 each reenacted to read as follows:

6 (1) The appeals board shall operate on either a part-time or a  
7 full-time basis, as determined by the governor. If it is determined  
8 that the appeals board shall operate on a full-time basis, each member  
9 shall receive an annual salary to be determined by the governor. If it  
10 is determined that the appeals board shall operate on a part-time  
11 basis, each member shall be compensated in accordance with RCW  
12 43.03.250. The director of the environmental hearings office shall  
13 make the determination, required under RCW 43.03.250, as to what  
14 statutorily prescribed duties, in addition to attendance at a hearing  
15 or meeting of the board, shall merit compensation. This compensation  
16 shall not exceed ten thousand dollars in a fiscal year. Each member  
17 shall receive reimbursement for travel expenses incurred in the  
18 discharge of his duties in accordance with the provisions of RCW  
19 43.03.050 and 43.03.060.

1 (2) The appeals board shall as soon as practicable after the  
2 initial appointment of the members thereof, meet and elect from among  
3 its members a chair, and shall at least biennially thereafter meet and  
4 elect or reelect a chair.

5 (3) The principal office of the appeals board shall be at the state  
6 capital, but it may sit or hold hearings at any other place in the  
7 state. A majority of the appeals board shall constitute a quorum for  
8 making orders or decisions, promulgating rules and regulations  
9 necessary for the conduct of its powers and duties, or transacting  
10 other official business, and may act though one position on the board  
11 be vacant. One or more members may hold hearings and take testimony to  
12 be reported for action by the board when authorized by rule or order of  
13 the board. The appeals board shall perform all the powers and duties  
14 granted to it in this chapter or as otherwise provided by law.

15 (4) The appeals board shall make findings of fact and prepare a  
16 written decision in each case decided by it, and such findings and  
17 decision shall be effective upon being signed by two or more members  
18 and upon being filed at the appeals board's principal office, and shall  
19 be open to public inspection at all reasonable times.

20 (5) The appeals board shall either publish at its expense or make  
21 arrangements with a publishing firm for the publication of those of its  
22 findings and decisions which are of general public interest, in such  
23 form as to assure reasonable distribution thereof.

24 (6) The appeals board shall maintain at its principal office a  
25 journal which shall contain all official actions of the appeals board,  
26 with the exception of findings and decisions, together with the vote of  
27 each member on such actions. The journal shall be available for public  
28 inspection at the principal office of the appeals board at all  
29 reasonable times.

30 (7) The forest practices appeals board shall have exclusive  
31 jurisdiction to hear appeals arising from an action or determination by  
32 the department, and the department of fish and wildlife, and the  
33 department of ecology with respect to management plans provided for  
34 under RCW 76.09.350.

35 (8)(a) Any person aggrieved by the approval or disapproval of an  
36 application to conduct a forest practice or the approval or disapproval  
37 of any landscape plan or permit may seek review from the appeals board  
38 by filing a request for the same within thirty days of the approval or  
39 disapproval. Concurrently with the filing of any request for review

1 with the board as provided in this section, the requestor shall file a  
2 copy of his or her request with the department and the attorney  
3 general. The attorney general may intervene to protect the public  
4 interest and ensure that the provisions of this chapter are complied  
5 with.

6 (b) The review proceedings authorized in (a) of this subsection are  
7 subject to the provisions of chapter 34.05 RCW pertaining to procedures  
8 in adjudicative proceedings.

Passed the Senate March 13, 1999.

Passed the House April 8, 1999.

Approved by the Governor April 22, 1999.

Filed in Office of Secretary of State April 22, 1999.