

SENATE BILL REPORT

HB 1494

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, APRIL 5, 1991

**Brief Description:** Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

**SPONSORS:** Representatives Grant, Miller and Locke; by request of Utilities & Transportation Commission.

HOUSE COMMITTEE ON ENERGY & UTILITIES

SENATE COMMITTEE ON ENERGY & UTILITIES

**Majority Report:** Do pass.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

**Staff:** Dave Monthie (786-7198)

**Hearing Dates:** March 29, 1991; April 5, 1991

**BACKGROUND:**

The Administrative Procedure Act establishes uniform procedures for state administrative agencies in such activities as rulemaking and adjudications. The Office of Administrative Hearings was created in 1982 to provide administrative law judges, at agency request, to preside over administrative hearings conducted under the APA. Specific provisions in the APA authorize emergency adjudicative proceedings and the issuance of emergency orders by an agency in situations that involve an immediate danger to the public health, safety, and welfare.

The Utilities and Transportation Commission is authorized by statute to request the appointment of an administrative law judge to conduct certain proceedings on behalf of the commission. That authority does not include the ability to designate an administrative law judge, or any other person, to conduct emergency adjudicative proceedings or issue emergency orders when the full commission is not able to do so. Such emergency orders require the approval of two of the three UTC commissioners. This has occasionally caused problems when more than one commissioner is not in the state.

**SUMMARY:**

The Utilities and Transportation Commission's authority is amended to permit the commission to designate persons by rule to preside and enter final orders in emergency adjudications under the Administrative Procedure Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

The legislation is needed to permit the UTC to have someone in authority for emergency situations.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Fred Ottavelli, UTC (pro)