

SENATE BILL REPORT

SB 6420

AS OF JANUARY 30, 1992

Brief Description: Changing requirements of the environmental hearings office.

SPONSORS: Senator Metcalf

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Staff: Ats Kiuchi (786-7708)

Hearing Dates: February 5, 1992

BACKGROUND:

The state Environmental Hearings Office is composed of the Pollution Control Hearings Board (PCHB), the Forest Practices Appeals Board, the Shorelines Hearings Board and the Hydraulic Appeals Board. The boards hear appeals on administrative and enforcement decisions made by the local and state agencies.

The PCHB chairperson serves as the chief executive officer and coordinates the administrative responsibilities for the four separate boards.

The PCHB members are appointed by the Governor subject to confirmation by the Senate and serve six-year terms. The three-member board shall be composed of two persons who are qualified by experience or training in environmental matters. The third member shall be an attorney practicing law in this state.

SUMMARY:

The following decisions of the chief executive officer will be with the advice and consent of the Senate Environment and Natural Resources Committee:

The appointment of an administrative appeals judge. The appointee shall have a demonstrative knowledge of chemical engineering.

The appointment, discharge and salary of administrative judges and administrative staff and for contractual services.

The Pollution Control Hearings Board is to provide fair and equitable disposition of appeals on decisions by the Department of Ecology and from air pollution control boards or authorities.

Two of the three Pollution Control Hearings Board members shall be chemical engineers or equivalent in general technology with industrial experience.

The requirement is deleted for the attorney member of the board to be practicing in the legal profession at the time of the appointment.

The requirement is deleted for political party affiliation representation on the board.

Within 90 days of the effective date of this act, the current board members shall be terminated. The Governor shall appoint, with advice and consent of the Senate, a new three member board serving staggered terms at the onset of six, 12 and 18 months.

New members whose terms expire may be reappointed to 18 month terms. Vacancies and reappointments to the PCHB shall be made by the Governor with advice and consent of the Senate. If the Senate is not in session, the Senate Environmental and Natural Resources Committee shall provide the advice and consent until the Senate can act.

Twelve members of the Legislature may petition for the removal of a hearings board member due to inefficiency, malfeasance and misfeasance in office. In the judicial removal hearing, citizens may file as friends of the court in the proceedings.

Judicial review of hearings board decisions shall be "de novo" where new evidence can be admitted. The board's decisions are stayed during the duration of any appeal and 30 days thereafter.

Unless stated in the notice of appeal, the hearing shall be informal and the authority is deleted for the Department of Ecology or the local air pollution control authority to request a formal hearing.

Appropriation: none

Revenue: none

Fiscal Note: requested January 29, 1992