
SENATE BILL 5961

State of Washington

53rd Legislature

1993 Regular Session

By Senators A. Smith and Quigley

Read first time 03/19/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to judicial review of adjudicative proceedings; and
2 amending RCW 34.05.518 and 34.05.514.

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

4 **Sec. 1.** RCW 34.05.518 and 1988 c 288 s 503 are each amended to
5 read as follows:

6 (1) A final decision of the public employment relations commission
7 in an adjudicative proceeding under this chapter is directly reviewable
8 by the court of appeals. Review shall be initiated by filing a notice
9 of appeal with the court of appeals, at the appellant's option, for the
10 division containing (a) Thurston county, (b) the county where the
11 public employer is located, or (c) the county where the appellant
12 resides or has its principal place of business.

13 (2) The final decision of ((an)) any other administrative agency in
14 an adjudicative proceeding under this chapter may be directly reviewed
15 by the court of appeals upon certification by the superior court
16 pursuant to this ((section)) subsection. An application for direct
17 review must be filed with the superior court within thirty days of the
18 filing of the petition for review in superior court. The superior
19 court may certify a case for direct review only if the judicial review

1 is limited to the record of the agency proceeding and the court finds
2 that:

3 ~~((1))~~ (a) Fundamental and urgent issues affecting the future
4 administrative process or the public interest are involved which
5 require a prompt determination;

6 ~~((2))~~ (b) Delay in obtaining a final and prompt determination of
7 such issues would be detrimental to any party or the public interest;

8 ~~((3))~~ (c) An appeal to the court of appeals would be likely
9 regardless of the determination in superior court; and

10 ~~((4))~~ (d) The appellate court's determination in the proceeding
11 would have significant precedential value.

12 **Sec. 2.** RCW 34.05.514 and 1988 c 288 s 502 are each amended to
13 read as follows:

14 (1) Except as provided in subsection (2) of this section and RCW
15 ~~((34.05.538))~~ 34.05.518(1) and 34.05.570(2), proceedings for review
16 under this chapter shall be instituted by filing a petition in the
17 superior court, at the petitioner's option, for (a) Thurston county,
18 (b) the county of the petitioner's residence or principal place of
19 business, or (c) in any county where the property owned by the
20 petitioner and affected by the contested decision is located.

21 (2) For proceedings involving institutions of higher education, the
22 petition shall be filed either in the county in which the principal
23 office of the institution involved is located or in the county of a
24 branch campus if the action involves such branch.

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