

2 **SHB 1722** - S COMM AMD

3 By Committee on Energy, Telecommunications & Utilities

4 ADOPTED 4/10/95

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 34.12.020 and 1994 c 257 s 22 are each amended to  
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Office" means the office of administrative hearings.

12 (2) "Administrative law judge" means any person appointed by the  
13 chief administrative law judge to conduct or preside over hearings as  
14 provided in this chapter.

15 (3) "Hearing" means an adjudicative proceeding within the meaning  
16 of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413  
17 through 34.05.476.

18 (4) "State agency" means any state board, commission, department,  
19 or officer authorized by law to make rules or to conduct adjudicative  
20 proceedings, except those in the legislative or judicial branches, the  
21 growth ((~~planning~~)) management hearings boards, the utilities and  
22 transportation commission, the pollution control hearings board, the  
23 shorelines hearings board, the forest practices appeals board, the  
24 environmental hearings office, the board of industrial insurance  
25 appeals, the Washington personnel resources board, the public  
26 employment relations commission, the personnel appeals board, and the  
27 board of tax appeals.

28 **Sec. 2.** RCW 80.01.050 and 1961 c 14 s 80.01.050 are each amended  
29 to read as follows:

30 A majority of the commissioners shall constitute a quorum for the  
31 transaction of any business, for the performance of any duty, or for  
32 the exercise of any power of the commission, and may hold hearings at  
33 any time or place within or without the state. Any investigation,  
34 inquiry, or hearing which the commission has power to undertake or to  
35 hold may be undertaken or held by or before any commissioner or any

1 ((~~examiner~~)) employee designated and authorized by the commission as  
2 provided in RCW 80.01.060. All investigations, inquiries, and hearings  
3 of the commission, and all findings, orders, or decisions, made by a  
4 commissioner, when approved and confirmed by the commission and filed  
5 in its office, shall be and be deemed to be the orders or decisions of  
6 the commission.

7 **Sec. 3.** RCW 80.01.060 and 1991 c 48 s 1 are each amended to read  
8 as follows:

9 (1) The commission ((shall have the power to request the  
10 appointment of)) may designate employees of the commission as hearing  
11 examiners, administrative law judges ((under chapter 34.12 RCW)), and  
12 review judges when it deems such action necessary for its general  
13 administration. ((Such administrative law judges shall)) The  
14 designated employees have power to administer oaths, to issue subpoenas  
15 for the attendance of witnesses and the production of papers, waybills,  
16 books, accounts, documents, and testimony, to examine witnesses, and to  
17 receive testimony in any inquiry, investigation, hearing, or proceeding  
18 in any part of the state, under such rules as the commission may adopt.

19 (2) In general rate increase filings by a natural gas, electric, or  
20 telecommunications company, the designated employee may preside, but  
21 may not enter an initial order unless expressly agreed to in writing by  
22 the company making the filing. In all other cases, the designated  
23 employee may enter an initial order including findings of fact and  
24 conclusions of law in accordance with RCW 34.05.461(1)(a) and (c) and  
25 (3) through (9) or 34.05.485. RCW 34.05.461 (1)(b) and (2) do not  
26 apply to entry of orders under this section. The designated employee  
27 may not enter final orders, except that the commission may designate  
28 persons by rule to preside and enter final orders in emergency  
29 adjudications under RCW 34.05.479.

30 (3) If the designated employee does not enter an initial order as  
31 provided in subsection (2) of this section, then a majority of the  
32 members of the commission who are to enter the final order must hear or  
33 review substantially all of the record submitted by any party.

34 NEW SECTION. **Sec. 4.** RCW 34.12.042 and 1982 c 189 s 13 are each  
35 repealed."

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4 In line 2 of the title, after "commission;" strike the remainder of  
5 the title, and insert "amending RCW 34.12.020, 81.01.050, and  
6 80.01.060; and repealing RCW 34.12.042."

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