

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1722

Chapter 331, Laws of 1995

54th Legislature
1995 Regular Session

UTILITIES AND TRANSPORTATION COMMISSION--DESIGNATION OF
EMPLOYEES TO HEAR AND ADJUDICATE PROCEEDINGS

EFFECTIVE DATE: 7/23/95

Passed by the House April 20, 1995
Yeas 95 Nays 1

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 10, 1995
Yeas 48 Nays 0

JOEL PRITCHARD

President of the Senate

Approved May 11, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1722** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 11, 1995 - 1:23 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1722

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Padden, Appelwick and Mastin; by request of Utilities & Transportation Commission)

Read first time 03/01/95.

1 AN ACT Relating to hearings conducted by the utilities and
2 transportation commission; amending RCW 34.12.020, 81.01.050
3 [80.01.050], and 80.01.060; and repealing RCW 34.12.042.

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

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

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

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

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

16 (4) "State agency" means any state board, commission, department,
17 or officer authorized by law to make rules or to conduct adjudicative
18 proceedings, except those in the legislative or judicial branches, the
19 growth ((~~planning~~)) management hearings boards, the utilities and

1 transportation commission, the pollution control hearings board, the
2 shorelines hearings board, the forest practices appeals board, the
3 environmental hearings office, the board of industrial insurance
4 appeals, the Washington personnel resources board, the public
5 employment relations commission, the personnel appeals board, and the
6 board of tax appeals.

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

9 A majority of the commissioners shall constitute a quorum for the
10 transaction of any business, for the performance of any duty, or for
11 the exercise of any power of the commission, and may hold hearings at
12 any time or place within or without the state. Any investigation,
13 inquiry, or hearing which the commission has power to undertake or to
14 hold may be undertaken or held by or before any commissioner or any
15 (~~examiner~~) employee designated and authorized by the commission as
16 provided in RCW 80.01.060. All investigations, inquiries, and hearings
17 of the commission, and all findings, orders, or decisions, made by a
18 commissioner, when approved and confirmed by the commission and filed
19 in its office, shall be and be deemed to be the orders or decisions of
20 the commission.

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

23 (1) The commission (~~shall have the power to request the~~
24 ~~appointment of~~) may designate employees of the commission as hearing
25 examiners, administrative law judges ((under chapter 34.12 RCW)), and
26 review judges when it deems such action necessary for its general
27 administration. (~~Such administrative law judges shall~~) The
28 designated employees have power to administer oaths, to issue subpoenas
29 for the attendance of witnesses and the production of papers, waybills,
30 books, accounts, documents, and testimony, to examine witnesses, and to
31 receive testimony in any inquiry, investigation, hearing, or proceeding
32 in any part of the state, under such rules as the commission may adopt.

33 (2) In general rate increase filings by a natural gas, electric, or
34 telecommunications company, the designated employee may preside, but
35 may not enter an initial order unless expressly agreed to in writing by
36 the company making the filing. In all other cases, the designated
37 employee may enter an initial order including findings of fact and

1 conclusions of law in accordance with RCW 34.05.461(1)(a) and (c) and
2 (3) through (9) or 34.05.485. RCW 34.05.461 (1)(b) and (2) do not
3 apply to entry of orders under this section. The designated employee
4 may not enter final orders, except that the commission may designate
5 persons by rule to preside and enter final orders in emergency
6 adjudications under RCW 34.05.479.

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

11 NEW SECTION. Sec. 4. RCW 34.12.042 and 1982 c 189 s 13 are each
12 repealed.

Passed the House April 20, 1995.

Passed the Senate April 10, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.