

SENATE BILL REPORT

SB 5057

As of January 20, 2017

Title: An act relating to the removal of an adjudicative proceeding to the office of administrative hearings.

Brief Description: Authorizing the removal of an adjudicative proceeding to the office of administrative hearings.

Sponsors: Senator Dandel.

Brief History:

Committee Activity: State Government: 1/20/17.

Brief Summary of Bill

- Allows any party to remove an adjudicative proceeding to the Office of Administrative Hearings (OAH) within ten days of the commencement of that proceeding.

SENATE COMMITTEE ON STATE GOVERNMENT

Staff: Melissa Van Gorkom (786-7491)

Background: Adjudicative Proceedings Under the Administrative Procedure Act (APA). The APA establishes the procedures for agency rulemaking, agency administrative hearings, and judicial review of agency actions. The APA generally defines an adjudicative proceeding as a process based on a person's constitutional or statutory right to a hearing either before or after an agency issues an order. An agency order involves a specific determination of legal rights, duties, or legal interests. In general, an agency may determine whether the presiding officer in an administrative proceeding will be the agency head, a designee of the agency head—if allowed by statute, or an OAH administrative law judge. Requirements for notice, pleadings, hearings, and initial and final orders for administrative hearings are outlined in the APA.

OAH. OAH was created in 1981 by the Legislature to serve as an independent agency under the direction of a chief administrative law judge. Hearings before the OAH are presided over

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by an administrative law judge and are conducted in accordance with statutory procedures outlined in the APA.

Summary of Bill: Any party may remove an adjudicative proceeding to OAH within ten days of the commencement of that proceeding.

Appropriation: None.

Fiscal Note: Requested on January 11, 2017.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: OTHER: There are concerns that this would negatively impact the University's ability to use its administrative review process. Training is provided annually to staff on the APA. There are special circumstances surrounding our students and faculty and we would like to have the opportunity to deal with issues at the University level.

Persons Testifying: OTHER: Jillian Kilby, University of Washington/Associate Director of State Relations.

Persons Signed In To Testify But Not Testifying: No one.