

FINAL BILL REPORT

SHB 1722

C 331 L 95

Synopsis as Enacted

Brief Description: Exempting the UTC from administrative law judge requirements.

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

House Committee on Law & Justice

Senate Committee on Energy, Telecommunications & Utilities

Background: The Administrative Procedure Act provides procedures for the appeal of agency actions. A person or business adversely affected by an agency action may ask the agency for an adjudicative proceeding. The presiding officer in an adjudicatory hearing may be either: (1) the agency head; (2) if the agency has statutory authority to do so, a person other than the agency head or an administrative law judge designated by the agency head to make the final decision and enter the final order; or (3) an administrative law judge assigned by the Office of Administrative Hearings.

If the agency conducts an adjudicatory hearing which is not presided over by officials of the agency who are to render the final decision, the hearing shall be conducted by an administrative law judge assigned by the Office of Administrative Hearings. The Office of Administrative Hearings is independent of all state agencies.

Certain agencies are exempt from the requirement of using the Office of Administrative Hearings in adjudicatory proceedings, including: (1) the Growth Planning Hearings Board; (2) the Pollution Control Hearings Board; (3) the Shorelines Hearings Board; and (4) the Public Employment Relations Commission.

The Washington Utilities and Transportation Commission (commission) is composed of three commissioners, appointed by the Governor with the consent of the Senate. The commission is required to regulate in the public interest the rates, services, facilities, and practices of persons engaging in the commercial transportation of persons or property, and persons engaging in the business of supplying any utility service or commodity to the public.

Summary: The Washington Utilities and Transportation Commission is exempted from the requirement that adjudicative hearings conducted by the commission be

presided over by an administrative law judge appointed by the Office of Administrative Hearings.

The commission may designate employees of the commission as hearing examiners, administrative law judges, and review judges who have the power to administer oaths, issue subpoenas, examine witnesses, receive testimony, preside over adjudicative proceedings, and enter initial orders. Initial orders are to be entered in conformance with the provisions of the Administrative Procedure Act. Designated employees may not enter initial orders in rate increase filings by a natural gas, electric, or telecommunications company unless the company making the filing agrees in writing. Designated employees may not enter final orders except in emergency adjudications.

In any case where the designated employee does not enter an initial order, a majority of the commission members who are to enter the final order must hear or review substantially all of the record.

A provision which excludes transportation tariff docket hearings held by the commission from the requirement of using an administrative law judge appointed by the Office of Administrative Hearings is repealed.

Votes on Final Passage:

House	97	1	
Senate	48	0	(Senate amended)
House	95	1	(House concurred)

Effective: July 23, 1995