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**SUBSTITUTE SENATE BILL 5869**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Energy, Telecommunications & Utilities  
(originally sponsored by Senators Smith, Long and Sheldon; 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 and 80.01.060; and  
3 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 80.01.060 and 1991 c 48 s 1 are each amended to read  
8 as follows:

9 The commission (~~((shall have the power to request the appointment  
10 of))~~) may designate employees of the commission as hearing examiners,  
11 administrative law judges ((under chapter 34.12 RCW)), and review  
12 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 They may preside over adjudicative proceedings and enter initial  
20 orders. When presiding at an adjudicative proceeding and a majority of  
21 the members of the commission who are to enter the final order have not  
22 heard substantially all of the oral testimony and read all exhibits  
23 submitted by any party, the designated employee, or in the event of his  
24 or her unavailability or incapacity, another such employee appointed by  
25 the commission, shall enter an initial order including findings of fact  
26 and conclusions of law in accordance with RCW 34.05.461(1) and (3)  
27 through (9) or 34.05.485. RCW 34.05.461(2) does not apply to entry of  
28 orders under this section. The commission may designate persons by  
29 rule to preside and enter final orders in emergency adjudications under  
30 RCW 34.05.479.

31 NEW SECTION. **Sec. 3.** RCW 34.12.042 and 1982 c 189 s 13 are each  
32 repealed.

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