

# HOUSE BILL REPORT

## SB 5391

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*As Passed Legislature*

**Title:** An act relating to emergency adjudications of the utilities and transportation commission.

**Brief Description:** Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

**Sponsor(s):** Senators Thorsness, Sutherland and Stratton; by request of Utilities & Transportation Commission.

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, March 26, 1991, DP;  
Passed House, April 11, 1991, 87-0;  
Passed Legislature, 87-0.

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**HOUSE COMMITTEE ON  
ENERGY & UTILITIES**

**Majority Report:** *Do pass.* Signed by 11 members: Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen; Miller; and Rayburn.

**Staff:** Harry Reinert (786-7110).

**Background:** The Utilities and Transportation Commission has regulatory authority over a wide range of public utilities. The commission consists of three members. Two members of the commission must vote in favor of any commission order.

The commission may appoint administrative law judges to take testimony in proceedings before the commission. The administrative law judges do not, however, have the authority to issue final orders on behalf of the commission.

The Administrative Procedure Act authorizes state agencies to hold emergency proceedings when necessary to protect the public health, safety, and welfare. The agency may take only those actions necessary to prevent or avoid immediate danger. Emergency orders are effective when entered. The agency is required to give as much notice as possible and to proceed to regular proceedings as quickly as possible.

**Summary of Bill:** The Utilities and Transportation Commission may appoint persons to preside over and enter orders in emergency adjudications.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill will allow the Utilities and Transportation Commission to take emergency action to protect the public in those instances when a quorum of the commission is unavailable.

**Testimony Against:** None.

**Witnesses:** Carol Monohon, Utilities and Transportation Commission.