

SENATE BILL REPORT

SB 5391

AS PASSED SENATE, MARCH 13, 1991

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

SPONSORS: Senators Thorsness, Sutherland and Stratton; by request of Utilities & Transportation Commission.

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Staff: Dave Monthie (786-7198)

Hearing Dates: February 1, 1991; February 12, 1991; February 14, 1991

BACKGROUND:

The Administrative Procedure Act establishes uniform procedures for state administrative agencies in such activities as rulemaking and adjudications. The Office of Administrative Hearings was created in 1982 to provide administrative law judges, at agency request, to preside over administrative hearings conducted under the APA. Specific provisions in the APA authorize emergency adjudicative proceedings and the issuance of emergency orders by an agency in situations that involve an immediate danger to the public health, safety, and welfare.

The Utilities and Transportation Commission is authorized by statute to request the appointment of an administrative law judge to conduct certain proceedings on behalf of the commission. That authority does not include the ability to designate an administrative law judge, or any other person, to conduct emergency adjudicative proceedings or issue emergency orders when the full commission is not able to do so.

SUMMARY:

The Utilities and Transportation Commission's authority in RCW 80.01.060 is amended to permit the commission to designate persons by rule to preside and enter final orders in emergency adjudications under the Administrative Procedure Act.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The UTC needs the ability to designate persons to act in emergencies when the commissioners are not available or able to do so.

TESTIMONY AGAINST: None

TESTIFIED: Carol Monohon, UTC (pro); Bob Wallis, UTC (pro)