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HOUSE BILL 1738

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State of Washington

53rd Legislature

1993 Regular Session

By Representative Riley

Read first time 02/08/93. Referred to Committee on Judiciary.

1 AN ACT Relating to judicial review of adjudicative proceedings; and  
2 amending RCW 34.05.518 and 34.05.514.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 34.05.518 and 1988 c 288 s 503 are each amended to  
5 read as follows:

6 (1) A final decision of the public employment relations commission  
7 in an adjudicative proceeding under this chapter is directly reviewable  
8 by the court of appeals. Review shall be initiated by filing a notice  
9 of appeal with the court of appeals, at the appellant's option, for the  
10 division containing (a) Thurston county, (b) the county where the  
11 public employer is located, or (c) the county where the appellant  
12 resides or has its principal place of business.

13 (2) The final decision of ((an)) any other administrative agency in  
14 an adjudicative proceeding under this chapter may be directly reviewed  
15 by the court of appeals upon certification by the superior court  
16 pursuant to this ((section)) subsection. An application for direct  
17 review must be filed with the superior court within thirty days of the  
18 filing of the petition for review in superior court. The superior  
19 court may certify a case for direct review only if the judicial review

1 is limited to the record of the agency proceeding and the court finds  
2 that:

3 ~~((1))~~ (a) Fundamental and urgent issues affecting the future  
4 administrative process or the public interest are involved which  
5 require a prompt determination;

6 ~~((2))~~ (b) Delay in obtaining a final and prompt determination of  
7 such issues would be detrimental to any party or the public interest;

8 ~~((3))~~ (c) An appeal to the court of appeals would be likely  
9 regardless of the determination in superior court; and

10 ~~((4))~~ (d) The appellate court's determination in the proceeding  
11 would have significant precedential value.

12 **Sec. 2.** RCW 34.05.514 and 1988 c 288 s 502 are each amended to  
13 read as follows:

14 (1) Except as provided in subsection (2) of this section and RCW  
15 ~~((34.05.538))~~ 34.05.518(1) and 34.05.570(2), proceedings for review  
16 under this chapter shall be instituted by filing a petition in the  
17 superior court, at the petitioner's option, for (a) Thurston county,  
18 (b) the county of the petitioner's residence or principal place of  
19 business, or (c) in any county where the property owned by the  
20 petitioner and affected by the contested decision is located.

21 (2) For proceedings involving institutions of higher education, the  
22 petition shall be filed either in the county in which the principal  
23 office of the institution involved is located or in the county of a  
24 branch campus if the action involves such branch.

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