

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5119

55th Legislature
1997 Regular Session

Passed by the Senate April 21, 1997
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 14, 1997
YEAS 97 NAYS 1

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5119** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5119

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Natural Resources & Parks (originally sponsored by Senators Swecker, Snyder and Roach)

Read first time 02/10/97.

1 AN ACT Relating to compensating members of the forest practices
2 appeals board; amending RCW 76.09.220; creating a new section;
3 providing an effective date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the functions of
6 the forest practices appeals board have overriding sensitivity and are
7 of importance to the public welfare and operation of state government.

8 **Sec. 2.** RCW 76.09.220 and 1989 c 175 s 164 are each amended to
9 read as follows:

10 (1) The appeals board shall operate on either a part-time or a
11 full-time basis, as determined by the governor. If it is determined
12 that the appeals board shall operate on a full-time basis, each member
13 shall receive an annual salary to be determined by the governor. If it
14 is determined that the appeals board shall operate on a part-time
15 basis, each member shall be compensated in accordance with RCW
16 (~~43.03.240:—PROVIDED, That such~~) 43.03.250. The director of the
17 environmental hearings office shall make the determination, required
18 under RCW 43.03.250, as to what statutorily prescribed duties, in

1 addition to attendance at a hearing or meeting of the board, shall
2 merit compensation. This compensation shall not exceed ten thousand
3 dollars in a fiscal year. Each member shall receive reimbursement for
4 travel expenses incurred in the discharge of his duties in accordance
5 with the provisions of RCW 43.03.050 and 43.03.060.

6 (2) The appeals board shall as soon as practicable after the
7 initial appointment of the members thereof, meet and elect from among
8 its members a chairman, and shall at least biennially thereafter meet
9 and elect or reelect a chairman.

10 (3) The principal office of the appeals board shall be at the state
11 capital, but it may sit or hold hearings at any other place in the
12 state. A majority of the appeals board shall constitute a quorum for
13 making orders or decisions, promulgating rules and regulations
14 necessary for the conduct of its powers and duties, or transacting
15 other official business, and may act though one position on the board
16 be vacant. One or more members may hold hearings and take testimony to
17 be reported for action by the board when authorized by rule or order of
18 the board. The appeals board shall perform all the powers and duties
19 granted to it in this chapter or as otherwise provided by law.

20 (4) The appeals board shall make findings of fact and prepare a
21 written decision in each case decided by it, and such findings and
22 decision shall be effective upon being signed by two or more members
23 and upon being filed at the appeals board's principal office, and shall
24 be open to public inspection at all reasonable times.

25 (5) The appeals board shall either publish at its expense or make
26 arrangements with a publishing firm for the publication of those of its
27 findings and decisions which are of general public interest, in such
28 form as to assure reasonable distribution thereof.

29 (6) The appeals board shall maintain at its principal office a
30 journal which shall contain all official actions of the appeals board,
31 with the exception of findings and decisions, together with the vote of
32 each member on such actions. The journal shall be available for public
33 inspection at the principal office of the appeals board at all
34 reasonable times.

35 (7) The forest practices appeals board shall have exclusive
36 jurisdiction to hear appeals arising from an action or determination by
37 the department.

38 (8)(a) Any person aggrieved by the approval or disapproval of an
39 application to conduct a forest practice may seek review from the

1 appeals board by filing a request for the same within thirty days of
2 the approval or disapproval. Concurrently with the filing of any
3 request for review with the board as provided in this section, the
4 requestor shall file a copy of his request with the department and the
5 attorney general. The attorney general may intervene to protect the
6 public interest and insure that the provisions of this chapter are
7 complied with.

8 (b) The review proceedings authorized in ((subparagraph)) (a) of
9 this subsection are subject to the provisions of chapter 34.05 RCW
10 pertaining to procedures in adjudicative proceedings.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 July 1, 1997.

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