

HOUSE BILL REPORT

HB 1869

As Reported By House Committee On:
Judiciary

Title: An act relating to administrative appeals judges in the environmental hearings office.

Brief Description: Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

Sponsors: Representatives Carrell and Constantine; by request of Environmental Hearings Office.

Brief History:

Committee Activity:

Judiciary: 2/23/99, 2/26/99 [DP].

Brief Summary of Bill

- Allows discipline or removal of administrative judges within the Environmental Hearings Office for "cause."
- Provides a right of review for such discipline or removal in the superior court.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

The Environmental Hearings Office is made up of hearings boards that deal with pollution control, forest practices, shorelines, and hydraulics issues. The chief

executive officer of the office may appoint administrative appeals judges to hear cases that have come before the various boards that comprise the office. Currently there are three such administrative judges.

The law authorizing the appointment of the administrative appeals judges indicates that the judges are not subject to the state's civil service law. It is otherwise silent, however, regarding the discipline or removal of these appointed judges.

Most administrative hearings officers are covered by a general statute on administrative law judges (ALJs). The Environmental Hearings Office is one of several boards or commissions that is not covered by the general statute on ALJs. In contrast to the statute covering environmental appeals judges, the ALJ statute provides for discipline or termination of employment only "for cause." The ALJ law also provides that the cause must be provided an ALJ in writing, and that an ALJ has the right of a review of a disciplinary action or termination in the Thurston County Superior Court.

Summary of Bill:

Administrative appeals judges in the Environmental Hearings Office are made subject to the same rules regarding discipline and termination as apply to ALJs. Environmental hearings appeals judges may be disciplined or terminated for cause, which must be supplied in writing, and have a right of review of the action by the superior court in Thurston County.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is important as a statement on the independence of the adjudicatory process. It really just corrects an oversight and extends current law to three more judges.

Testimony Against: None.

Testified: James Tupper, Environmental Hearings Office; and Judge William Harrison.