
SENATE BILL 5402

State of Washington

56th Legislature

1999 Regular Session

By Senator Haugen

Read first time 01/21/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to the forest practices appeals board; and
2 reenacting RCW 76.09.220.

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

4 **Sec. 1.** RCW 76.09.220 and 1997 c 423 s 2 and 1997 c 290 s 5 are
5 each reenacted to read as follows:

6 (1) The appeals board shall operate on either a part-time or a
7 full-time basis, as determined by the governor. If it is determined
8 that the appeals board shall operate on a full-time basis, each member
9 shall receive an annual salary to be determined by the governor. If it
10 is determined that the appeals board shall operate on a part-time
11 basis, each member shall be compensated in accordance with RCW
12 43.03.250. The director of the environmental hearings office shall
13 make the determination, required under RCW 43.03.250, as to what
14 statutorily prescribed duties, in addition to attendance at a hearing
15 or meeting of the board, shall merit compensation. This compensation
16 shall not exceed ten thousand dollars in a fiscal year. Each member
17 shall receive reimbursement for travel expenses incurred in the
18 discharge of his duties in accordance with the provisions of RCW
19 43.03.050 and 43.03.060.

1 (2) The appeals board shall as soon as practicable after the
2 initial appointment of the members thereof, meet and elect from among
3 its members a chair, and shall at least biennially thereafter meet and
4 elect or reelect a chair.

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

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

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

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

30 (7) The forest practices appeals board shall have exclusive
31 jurisdiction to hear appeals arising from an action or determination by
32 the department, and the department of fish and wildlife, and the
33 department of ecology with respect to management plans provided for
34 under RCW 76.09.350.

35 (8)(a) Any person aggrieved by the approval or disapproval of an
36 application to conduct a forest practice or the approval or disapproval
37 of any landscape plan or permit may seek review from the appeals board
38 by filing a request for the same within thirty days of the approval or
39 disapproval. Concurrently with the filing of any request for review

1 with the board as provided in this section, the requestor shall file a
2 copy of his or her request with the department and the attorney
3 general. The attorney general may intervene to protect the public
4 interest and ensure that the provisions of this chapter are complied
5 with.

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

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