

SENATE BILL REPORT

SB 5369

As Reported by Senate Committee On:
Government Operations & Security, February 19, 2015

Title: An act relating to the removal of an adjudicative proceeding to the office of administrative hearings.

Brief Description: Authorizing the removal of an adjudicative proceeding to the office of administrative hearings.

Sponsors: Senators Dansel, Honeyford and Roach.

Brief History:

Committee Activity: Government Operations & Security: 2/02/15, 2/19/15 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dansel.

Minority Report: Do not pass.

Signed by Senators Liias, Ranking Minority Member; Habib and McCoy.

Staff: Curt Gavigan (786-7437)

Background: Adjudicative Proceedings Under the Administrative Procedure Act (APA). The APA generally defines an adjudicative proceeding as a process based on a person's constitutional or statutory right to a hearing either before or after an agency issues an order. An agency order involves a specific determination of legal rights, duties, or legal interests.

In general an agency may determine whether the presiding officer in an administrative proceeding will be the agency head, a designee of the agency head if allowed by statute, or an Office of Administrative Hearings (OAH) administrative law judge.

The APA also includes requirements for notice, pleadings, hearings, and initial and final orders.

OAH. OAH was established as an independent state agency by the Legislature in 1981. It is led by a chief administrative law judge who is appointed by the Governor for a term of five

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

years. Hearings before the OAH are presided over by an administrative law judge, and are conducted in accordance with statutory procedures outlined in the APA.

Summary of Bill: Any party may remove an adjudicative proceeding to OAH within ten days of the commencement of that proceeding.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill would promote fairness in the administrative hearings process by allowing a person to move it from an agency to OAH.

CON: There are concerns that this would affect Utilities and Transportation Commission (UTC) processes, which are highly technical and the Legislature has allowed to occur within the UTC.

OTHER: Universities have developed specialized hearings processes to deal with student and faculty issues, and hope to not be included in the bill.

Persons Testifying: PRO: Cindy Alia, Citizens Alliance for Property Rights; Ed Moats, citizen.

OTHER: Lorraine Lee, Chief Administrative Law Judge, OAH; Genesee Adkins, University of WA.

Signed In, Unable to Testify & Submitted Written Testimony: CON: Ann Rendahl, UTC.