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HOUSE BILL 1208

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Scott, Shea, Taylor, Holy, Buys, Condotta, and Young

Read first time 01/15/15. Referred to Committee on Judiciary.

1 AN ACT Relating to the removal of an adjudicative proceeding to  
2 the office of administrative hearings; and amending RCW 34.05.413.

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

4 **Sec. 1.** RCW 34.05.413 and 1989 c 175 s 12 are each amended to  
5 read as follows:

6 (1) Within the scope of its authority, an agency may commence an  
7 adjudicative proceeding at any time with respect to a matter within  
8 the agency's jurisdiction.

9 (2) When required by law or constitutional right, and upon the  
10 timely application of any person, an agency shall commence an  
11 adjudicative proceeding.

12 (3) An agency may provide forms for and, by rule, may provide  
13 procedures for filing an application for an adjudicative proceeding.  
14 An agency may require by rule that an application be in writing and  
15 that it be filed at a specific address, in a specified manner, and  
16 within specified time limits. The agency shall allow at least twenty  
17 days to apply for an adjudicative proceeding from the time notice is  
18 given of the opportunity to file such an application.

19 (4) If an agency is required to hold an adjudicative proceeding,  
20 an application for an agency to enter an order includes an  
21 application for the agency to conduct appropriate adjudicative

1 proceedings, whether or not the applicant expressly requests those  
2 proceedings.

3 (5) An adjudicative proceeding commences when the agency or a  
4 presiding officer notifies a party that a prehearing conference,  
5 hearing, or other stage of an adjudicative proceeding will be  
6 conducted.

7 (6) Any party may remove an adjudicative proceeding to the office  
8 of administrative hearings upon notice provided within ten days  
9 following the commencement of the adjudicative proceeding pursuant to  
10 subsection (5) of this section.

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