

NEW SECTION. Sec. 20. Sections 1 through 13 of this act are each added to chapter 19.28 RCW.

Passed the Senate February 4, 1980.

Passed the House February 18, 1980.

Approved by the Governor February 28, 1980, with the exception of Section 14 which is vetoed.

Filed in Office of Secretary of State February 28, 1980.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval of one section, Senate Bill 3253 entitled:

"AN ACT Relating to electricians";

Section 14 of this bill was originally included in the bill as a vehicle for changing the composition of the Board of Electrical Examiners. In subsequent action the amendment was dropped, leaving RCW 19.28.123 unchanged.

If this section becomes law the Code Reviser will have to make a reference to a 1980 legislative action that really didn't accomplish anything. I have, therefore, vetoed this section to avoid confusion on the part of future users of the code.

With the exception of Section 14, which I have vetoed, Senate Bill 3253 is approved."

CHAPTER 31

[Engrossed Senate Bill No. 3320]

WASHINGTON ADMINISTRATIVE PROCEDURE ACT—SUMMARY ORDERS

AN ACT Relating to contested cases; and amending section 9, chapter 234, Laws of 1959 as amended by section 9, chapter 237, Laws of 1967 and RCW 34.04.090.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 9, chapter 234, Laws of 1959 as amended by section 9, chapter 237, Laws of 1967 and RCW 34.04.090 are each amended to read as follows:

(1) In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty days' notice; but no hearing shall be required until the hearing is demanded unless other statutory provisions or agency rules provide otherwise. The notice shall include:

- (a) A statement of the time, place and nature of the proceeding;
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (c) A reference to the particular sections of the statutes and rules involved;
- (d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(3) An agency may provide by rule for entry of summary orders in part or in whole after notice and hearing to all parties. The motion shall be granted if the pleadings, dispositions and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to the order as a matter of law.

(4) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

~~((4))~~ (5) The record in a contested case shall include:

- (a) All pleadings, motions, intermediate rulings;
- (b) Evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections, and ruling thereon;
- (e) Proposed findings and exceptions;
- (f) Any decision, opinion, or report by the officer presiding at the hearing(;;).

~~((5))~~ (6) Oral proceedings shall be transcribed for the purposes of agency decision pursuant to RCW 34.04.110, as now or hereafter amended, rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

~~((6))~~ (7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

~~((7))~~ (8) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

~~((8))~~ (9) Agencies, or their authorized agents, may:

- (a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law,
- (b) Issue subpoenas as provided in RCW 34.04.105,
- (c) Rule upon offers of proof and receive relevant evidence,
- (d) Take or cause depositions to be taken pursuant to rules promulgated by the agency, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding,
- (e) Regulate the course of the hearing,
- (f) Hold conferences for the settlement or simplification of the issues by consent of the parties,
- (g) Dispose of procedural requests or similar matters,
- (h) Issue summary orders,
- (i) Make decisions or proposals for decisions pursuant to RCW 34.04.110,

((††)) (j) Take any other action authorized by agency rule consistent with this chapter.

Passed the Senate February 4, 1980.

Passed the House February 19, 1980.

Approved by the Governor February 28, 1980.

Filed in Office of Secretary of State February 28, 1980.

CHAPTER 32

[Senate Bill No. 3404]

STATE FUNDS AND ACCOUNTS—DISESTABLISHMENT

AN ACT Relating to state government; amending section 3, chapter 109, Laws of 1974 ex. sess. as amended by section 2, chapter 109, Laws of 1975. 1st ex. sess. and RCW 28B.30-.604; amending section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; amending section 43.79.330, chapter 8, Laws of 1965 as amended by section 3, chapter 67, Laws of 1979 ex. sess. and RCW 43.79.330; amending section 7, chapter 91, Laws of 1975-'76 2nd ex. sess. and RCW 46.12.360; amending section 1, chapter 140, Laws of 1969 ex. sess. and RCW 48.58.010; amending section 11, chapter 55, Laws of 1933 and RCW 67.16.110; amending section 74.09.160, chapter 26, Laws of 1959 as last amended by section 1, chapter 81, Laws of 1979 ex. sess. and RCW 74.09.160; amending section 3, chapter 136, Laws of 1967 ex. sess. and RCW 86.18.030; amending section 1, chapter 141, Laws of 1969 ex. sess. and RCW 90.48.285; amending section 3, chapter 106, Laws of 1967 and RCW 90.50.030; amending section 1, chapter 123, Laws of 1933 (uncodified); creating new sections; repealing section 74.16.190, chapter 26, Laws of 1959, section 19, chapter 40, Laws of 1977 ex. sess. and RCW 74.16.190; repealing section 2, chapter 136, Laws of 1967 ex. sess. and RCW 86.18.020; repealing section 7, chapter 106, Laws of 1967 and RCW 90.50.070; repealing section 4, chapter 9, Laws of 1973 and RCW 43-75.220; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 123, Laws of 1933 (uncodified) is amended to read as follows:

~~((That there be and is hereby created a fund in the state treasury to be known as the "Lewis river hatchery fund," into which shall be paid))~~ All monies received from the Inland Power & Light company, its successors and assigns, in virtue of an agreement made and entered into between said company and the State of Washington on August 31, 1932, relating to a fish hatchery on Lewis river, shall be deposited in the general fund.

NEW SECTION. Sec. 2. Section 1 of this act shall take effect September 1, 1981.

Sec. 3. Section 43.79.330, chapter 8, Laws of 1965 as amended by section 3, chapter 67, Laws of 1979 ex. sess. and RCW 43.79.330 are each amended to read as follows:

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized: