
HOUSE BILL 1206

State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Scott, Taylor, Short, Holy, Manweller, Buys, Griffey, Haler, Condotta, and Young

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

1 AN ACT Relating to modifying limitations on new evidence taken on
2 judicial review of administrative actions; and amending RCW
3 34.05.562.

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

5 **Sec. 1.** RCW 34.05.562 and 1988 c 288 s 514 are each amended to
6 read as follows:

7 (1) The court may receive evidence in addition to that contained
8 in the agency record for judicial review, (~~only if~~) whenever it
9 relates to the validity of the agency action at the time it was taken
10 (~~and~~), is necessary to avoid injustice, or is needed to decide
11 disputed issues regarding:

12 (a) Improper constitution as a decision-making body or grounds
13 for disqualification of those taking the agency action;

14 (b) Unlawfulness of procedure or of decision-making process; or

15 (c) Material facts in rule making, brief adjudications, or other
16 proceedings not required to be determined on the agency record.

17 (2) The court may remand a matter to the agency, before final
18 disposition of a petition for review, with directions that the agency
19 conduct fact-finding and other proceedings the court considers
20 necessary and that the agency take such further action on the basis
21 thereof as the court directs, if:

1 (a) The agency was required by this chapter or any other
2 provision of law to base its action exclusively on a record of a type
3 reasonably suitable for judicial review, but the agency failed to
4 prepare or preserve an adequate record;

5 (b) The court finds that (i) new evidence has become available
6 that relates to the validity of the agency action at the time it was
7 taken, that one or more of the parties did not know and was under no
8 duty to discover or could not have reasonably been discovered until
9 after the agency action, and (ii) the interests of justice would be
10 served by remand to the agency;

11 (c) The agency improperly excluded or omitted evidence from the
12 record; or

13 (d) A relevant provision of law changed after the agency action
14 and the court determines that the new provision may control the
15 outcome.

--- END ---