

SENATE BILL REPORT

SB 5056

As of January 20, 2017

Title: An act relating to modifying limitations on new evidence taken on judicial review of administrative actions.

Brief Description: Modifying limitations on new evidence taken on judicial review of administrative actions.

Sponsors: Senator Dansel.

Brief History:

Committee Activity: State Government: 1/20/17.

Brief Summary of Bill

- Allows courts to receive additional evidence not contained in the agency record whenever the evidence is necessary to avoid injustice.

SENATE COMMITTEE ON STATE GOVERNMENT

Staff: Melissa Van Gorkom (786-7491)

Background: Adjudicative proceedings under the Administrative Procedures Act (APA). The APA establishes the procedures for agency rulemaking, agency administrative hearings, and judicial review of agency actions. Generally, a person challenging an agency rule or agency action may file a petition for judicial review under the APA, only after exhausting all administrative remedies available within the agency whose action is being challenged, or other agency authorized to exercise administrative review. Administrative review before an agency or the Office of Administrative Hearings affords the parties an opportunity to create a record of relevant facts and issues in dispute. The agency keeps an official record of the review including an order with findings of fact and conclusions of law.

Judicial review of Administrative Procedures. Judicial review of disputed issues of fact are confined to the agency record. The court may receive additional evidence not contained in the agency record of review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues.

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.

Summary of Bill: The court may receive additional evidence not contained in the agency record whenever it relates to the validity of the agency action at the time it was taken, or is necessary to avoid injustice.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This process has become problematic for the population. People are impacted by this because they cannot resolve issues through the existing process. There needs to be way to open this process up where it is truncated by the agency so that there is a balance in the process.

Persons Testifying: PRO: Loren Freeman, Freeman & Associates.

Persons Signed In To Testify But Not Testifying: No one.