

## STATEMENT OF PURPOSE

### RS25394

This legislation arises from the 2016 Administrative Hearing Officer Interim Committee which identified improvements to enhance hearing officer impartiality and due process in contested administrative cases. This legislation (i) updates the Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; (ii) adopts portions of the Uniform Act on Administrative Procedures with modifications fitting Idaho's needs; and (iii) continues current exemptions for the Industrial Commission, Public Utilities Commission and other agencies having their own alternative statutory hearing processes. Changes include:

- Amending the definitions of "contested case" and "record";
- Designating hearing officers as "presiding officers" and specifying their qualifications;
- Giving agency heads legal, but not evidentiary, review of presiding officer decisions;
- Providing simple discovery tools and disqualification processes; • Providing standards and procedures for emergency hearings;
- Modifying the scope of judicial review, and providing limited de novo judicial review in cases of manifest injustice; and
- Providing for indexing and public availability of final orders and other documents.

### FISCAL NOTE

No increase or decrease in existing or future appropriations or revenues by the state or local units of government is anticipated. Contested cases under the Administrative Procedure Act only pertain to state agency actions and do not govern local administrative proceedings. Costs to index final contested case orders and other documents, conduct of de novo review in the courts, and hire contract hearing officers instead of having agency heads conduct contested cases are not expected to be significant and would be absorbed within existing appropriations.

#### Contact:

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**