

STATEMENT OF PURPOSE

RS26161

This legislation originates from the Administrative Hearing Officer Interim Committee. It is designed to address concerns over due process, conflicts of interest and impartiality in contested administrative proceedings. The legislation updates processes under the Administrative Procedure Act to better delineate preliminary review and initial agency actions from contested case proceedings. In order to provide impartiality in the contested case process, particularly with reference to fact finding, an office of Administrative Hearings is established with an independent chief hearing officer and hearing officers housed in the Department of Self Governing Agencies. All contested case proceedings will be handled through the Office of Administrative Hearings, except for the Public Utilities Commission, Industrial Commission, Department of Water Resources, and such other proceedings specifically exempt by law. Department heads continue to have final review over all policy and remedy portions of contested cases. Additional changes updates and additions to definitions, limited new discovery and subpoena powers, and emergency hearing processes.

FISCAL NOTE

There is an initial \$1.5 million start up cost, with billings to the agencies which will then be self-sustaining. The addition of dedicated hearing officers will save overall costs to the agencies which now use contract hearing officers, as the cost of salary, benefits and support staff will be less than the current aggregate cost of contract hearing offices.

Contact:

Representative Lynn M. Luker
(208) 332-1000
Senator Grant Burgoyne
(208) 332-1000

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).