



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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C.L. "Butch" Otter, Governor
John H. Tippetts, Director

October 2, 2017

The Honorable members of the Administrative Hearing Officer Interim Committee

Sen. Steve Vick – Co-Chair;	Rep. Gary E. Collins, Co-Chair;
Sen. Jim Rice	Rep. Lynn M. Luker
Sen. Mary Souza	Rep. Stephen Hartgen
Sen. Kelly A. Anthon	Rep. Lance W. Clow
Sen. Grant Burgoyne	Rep. John Gannon

Dear Co-Chairmen Vick and Collins and Members of the Administrative Hearing Officer Interim Committee:

Re: Proposed changes to the Idaho Administrative Procedure Act

Thank you for allowing me the opportunity to provide my thoughts to your committee about possible changes to the Idaho Administrative Procedure Act to address mitigating the risk of bias in contested case proceedings as directed by Senate Concurrent Resolution No. 122.

I just recently had the opportunity to review the draft legislation posted on your website. It is my understanding that it is similar to S1155 that was introduced last legislative session, but that important changes have been made.

I agree with what I understand to be the goal of the sponsors of the draft legislation: to give parties contesting agency actions the opportunity for a fair hearing in front of a decision-maker who is free of inherent biases or incentives to rule in favor of one party versus another. My staff and I are willing to work with members of the committee and others to develop changes to current processes that would meet this goal.

I have concerns that the draft legislation may create significant unintended problems, and that it may not achieve its intended purpose.

I therefore respectfully request that the interim committee recommend that a collaborative effort be undertaken involving interested parties (including legislators, persons impacted by agency decisions, and state agencies) to develop legislation that would be workable for all involved and that would meet the goals of the committee.

I realize this is a big task and that it may not be possible to have legislation ready for the upcoming legislative session, but I believe the importance of this issue would indicate that finding the right solution is a higher priority than getting something done in the very near term.

Sincerely,

A handwritten signature in blue ink that reads "John H. Tippetts".

John H. Tippetts
Director