

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at
Chairperson

3:30 ~~xxx~~/p.m. on January 24, 1984 in room 526-S of the Capitol.

All members were present except:

Representatives Wagnon and Solbach were excused. Representative Erne was absent.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes' Office
Nedra Spingler, Secretary

Conferees appearing before the committee:

Jack Dalton, Chairman of the Judicial Council's Administrative Procedures Advisory Committee
Professor David Ryan, Washburn Law School, Member of the Administrative Procedures Advisory Committee

The Chairman suggested that minutes distributed at each meeting would be considered approved unless corrections were noted by members. There was no objection to this suggestion. Minutes of the meetings of January 16 and 23, 1984, were approved.

A review of the administrative procedures act was continued. HB 2689, relating to judicial review and civil enforcement of agency actions, a companion bill to HB 2688, was reviewed by Jack Dalton, Chairman of the Administrative Procedures Advisory Committee. He noted that HB 2688 pertained to only state agencies whereas HB 2689 affected all political subdivisions. With the use of slides, he explained procedures outlined in the bill in taking final agency hearing decisions to court and procedures for the court to follow.

Questions were raised if any cities or townships had requested the bill and if projects relying on such things as zoning laws would be delayed because local boards did not know of or follow the bill's procedures.

In answer to questions, Professor David Ryan said the bill would give cities and townships advantages they presently do not have. It imposes nothing that does not exist today and would speed up the process by requiring appeals to be taken within 30 days where present law allows up to two years for appeals from administrative decisions. Although every agency would have to review its rules and regulations under HB 2688, HB 2689 would not require this. Some agencies with special concerns may be exempt from HB 2688 and HB 2689 provisions for reasons not relating to the law, but he believed everything could be meshed with this act if the legislature wishes to do so except appeals from the State Corporation Commission that are appealed directly to the court of appeals.

The meeting was adjourned at 4:45 p.m.