

SB 5350-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises administrative procedure act provisions as follows: (1) Requires an agency to, for a matter that is subject to an adjudicative proceeding, make a final administrative determination or disposition for that matter within two years after the commencement of the adjudicative proceeding unless all parties to the proceeding agree to waive the time limitation or the agency otherwise has good cause to delay the proceeding;

(2) Authorizes a person to file a petition for judicial review and is presumed to have exhausted all administrative remedies when an agency fails to comply with (1) above;

(3) Limits review by the court to issues and facts identified as contested in the petition or amended petition when a petition for judicial review is filed; and

(4) Prohibits the court from remanding certain matters, when a petition for judicial review is filed under (2) above, unless all parties consent or the court determines that the agency had good cause for delaying the proceeding.