

1646

Sponsor(s): Representatives Dunn and Sump

Brief Title: Modifying environmental appeals.

HB 1646 - DIGEST

Declares that all proceedings before the hearings board or any of its members shall be conducted in accordance with such rules of practice and procedure as the hearings board may prescribe. The rules must include the following provisions: (1) The department must furnish the hearings board and the party appealing the department's decision a copy of all evidence relied upon by the department in making its decision. The party appealing the department's decision must be provided this information at least one day prior to the hearing before the hearings board;

(2) the department may only submit evidence to the hearings board which supports the findings set forth in the department's decision being appealed; and

(3) if the department relied upon the observations of individuals in making its decision, those individuals must be identified and made available for examination and cross-examination before the hearings board. The department has the burden of proof in all proceedings before the hearings board that its decision is justified, including the burden of moving forward with the evidence.

Provides that judicial review of a decision of the hearings board in superior court shall be de novo with the burden of proof placed on the department.