

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 562

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5279, IDAHO CODE, TO PROVIDE FOR A SCOPE OF REVIEW AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5279, Idaho Code, be, and the same is hereby amended to read as follows:

67-5279. SCOPE OF REVIEW -- TYPE OF RELIEF. (1) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

(2) When the agency was not required by the provisions of this chapter or by other provisions of law to base its action exclusively on a record, the court shall affirm the agency action unless the court finds that the action was:

- (a) ~~in~~ In violation of constitutional or statutory provisions;
- (b) ~~in~~ In excess of the statutory authority of the agency;
- (c) ~~made~~ Made upon unlawful procedure; or
- (d) ~~arbitrary~~ Arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(3) When the agency was required by the provisions of this chapter or by other provisions of law to issue an order, the court shall affirm the agency action unless the court finds that the agency's findings, inferences, conclusions, or decisions are:

- (a) ~~in~~ In violation of constitutional or statutory provisions;
- (b) ~~in~~ In excess of the statutory authority of the agency;
- (c) ~~made~~ Made upon unlawful procedure;
- (d) ~~not~~ Not supported by substantial evidence on the record as a whole; or
- (e) ~~arbitrary~~ Arbitrary, capricious, or an abuse of discretion.

If the agency action is not affirmed, it shall be set aside, in whole or in part, and remanded for further proceedings as necessary.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, agency action shall be affirmed unless substantial rights of the appellant have been prejudiced.

(5) When interpreting the provisions of this chapter or any rule, as defined in section 67-5201, Idaho Code, the court shall not defer to an agency's interpretation of the provisions of this chapter or the rule and shall interpret the meaning and effect de novo. In an action brought by or against an agency, after applying all customary tools of interpretation, the court shall exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2024.