

HOUSE BILL No. 2024

By Representative Otto

1-9

9 AN ACT relating to interpretation of federal statutes, regulations and
10 national codes; amending K.S.A. 77-619 and repealing the existing
11 section.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. In the event a Kansas state agency is interpreting or
15 enforcing a federal regulation, a federal statute or a national building or
16 fire code and such regulation, statute or code is interpreted less restric-
17 tively by state officials in other states, such less restrictive interpretation
18 shall be applicable in Kansas unless such less restrictive interpretation
19 conflicts with a Kansas statute, regulation or local ordinance or resolution.

20 Sec. 2. K.S.A. 77-619 is hereby amended to read as follows: 77-619.

21 (a) The court may receive evidence, in addition to that contained in the
22 agency record for judicial review, only if it relates to the validity of the
23 agency action at the time it was taken and is needed to decide disputed
24 issues regarding:

25 (1) Improper constitution as a decision-making body; or improper
26 motive or grounds for disqualification, of those taking the agency action;

27 ~~or~~

28 (2) unlawfulness of procedure or of decision-making process; *or*

29 (3) *interpretations in other states when a party is claiming the appli-*
30 *cation of section 1, and amendments thereto.*

31 (b) The court may remand a matter to the agency, before final dis-
32 position of a petition for judicial review, with directions that the agency
33 conduct fact-finding and other proceedings the court considers necessary
34 and that the agency take such further action on the basis thereof as the
35 court directs, if:

36 (1) The agency was required to base its action exclusively on a record
37 of a type reasonably suitable for judicial review, but the agency failed to
38 prepare or preserve an adequate record;

39 (2) the court finds that (A) new evidence has become available that
40 relates to the validity of the agency action at the time it was taken, that
41 one or more of the parties did not know and was under no duty to dis-
42 cover, or did not know and was under a duty to discover but could not
43 reasonably have discovered until after the agency action, and (B) the

1 interests of justice would be served by remand to the agency;
2 (3) the agency improperly excluded or omitted evidence from the
3 record; or
4 (4) a relevant provision of law changed after the agency action and
5 the court determines that the new provision may control the outcome.
6 Sec. 3. K.S.A. 77-619 is hereby repealed.
7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the statute book.