

APPENDICES

The references in the following Appendices are to the sources here listed:

Administrative Procedure Act of 1946, 60 Stat. 237, 5 U.S.C. § 1001

Revised Model State Administrative Procedure Act of 1961, in National Conference of Commissioners on Uniform State Laws, Handbook 206-23 (1961)

Ariz. Rev. Stat. §§ 41-1001—41-1008 (1956)

Cal. Gov't Code §§ 11370—11529 (1953)

Colo. Rev. Stat. §§ 3-16-1—3-16-6 (1953)

Ill. Rev. Stat. ch. 10, § 3, and §§ 264—279 (1956)

Ind. Ann. Stat. §§ 63-3001—63-3024 (1961)

Md. Ann. Code art. 41, §§ 244—256 (1957)

Mass. Ann. Laws ch. 30A, §§ 1—17 (1961)

Mich. Comp. Laws §§ 24.101—24.110 (Supp. 1961)

Minn. Stat. Ann. §§ 15.0411—15.049 (Supp. 1962)

Mo. Stat. Ann. §§ 536.010—536.140 (1953)

N.D. Cent. Code §§ 28-32-01—28-32-22 (1960)

Ohio Rev. Code §§ 119.01—119.13 (1953)

Ore. Rev. Stat. §§ 183.310—183.510 (1961)

Pa. Stat. Ann. tit. 71, §§ 1710.1—1710.46 (1962)

Va. Code Ann. §§ 9-6.1—6.14 (1956)

Wis. Stat. Ann. §§ 227.01—227.26 (1957)

(See supra p. 15 and note 56 and pp. 34-35 and note 160.)

APPENDIX I

ADMINISTRATIVE RULE-MAKING	Federal Act	Model State Act	Ariz.	Cal.	Colo.	Ill.	Ind.	Md.
1. Definitions	§ 1001	1	41-1001, 12-901	11371; 11500	3-16-1	264.1	2	244
"Agency"	§ 1001(a)	1(1)	41-1001, 12-901	11371(a); 11500	3-16-1	264.1	2	244(a)
"Rule" or "Regulation"	§ 1001(c)	1(7)	41-1001	11371(b); 11500	3-16-1	266.3	-	244(b)
"Contested Case" or similar term	§ 1001(d)	1(2)	41-1001	11371(c); 11500	3-16-1	264.1	2	244(c)
2. Requirements for adoption of rules	§ 1003	3	41-1002	11374; 11420	3-16-2	-	-	245
Formal & informal procedure	-	3	-	-	-	-	-	245(a)
To supplement rules with descriptive statements	§ 1002(a)	3	-	-	-	-	-	245(b)
Prior to adoption to give notice of intended action and afford hear- ing to interested parties	§ 1003	3(a)	41-1002	11423	3-16-2 (3)(4)	-	-	245(c)
3. Filing and taking effect of rules	§ 1003(c)	4	41-1004, 41-1005	11380; 11422	-	-	-	246
Effective upon filing	-	-	-	-	-	-	-	246(b)
Effective after no. of days after filing	30 da.	20 da.	-	30 da.	-	-	-	-
Emergencies or exceptions	-	4(b)(2)	41-1003	11421(b)	-	-	-	-
4. Publication of rules	§ 1002	5	41-1006	11409	3-16-2 (11)	-	-	247
By Sec. of State	-	5(a)	41-1006	11409	-	-	-	247(a)
Periodic Bulletin for new rules	§ 1002(a)	5(b)	-	11409	-	-	-	247(b)
Discretion to omit some if otherwise available	-	5(c)	-	11409	-	-	-	247(c)
Periodic revision	-	5(a)	-	-	-	-	-	247(a)
Availability of compila- tions & bulletins	§ 1002(b)	5(d)	41-1006	11382.5; 11409.5	3-16-2 (9)(11)	-	-	247(d)
5. Petition for adoption of rules	§ 1003(d)	6	-	11426	3-16-2 (7)	-	-	248
Any interested person may petition	§ 1003(d)	6	-	11426	3-16-2 (7)	-	-	248
Reconsideration	-	6	-	-	-	-	-	-
6. Additional requirements for clearance	-	2	-	-	-	-	-	-
Approval of Att'y Gen. as to form & legality before rule effective	-	-	-	-	-	-	-	-
Legislative review	-	-	-	-	-	-	-	-

APPENDIX I (Cont'd)

Mass.	Mich.	Minn.	Mo.	N.D.	Ohio	Ore.	Pa.	Va.	Wis.	Model Mun. Act
1	24.101	15.0411	536.010	28.3201	119.01	183.310	1710.2	9-6.2	227.01	1
1(2)	24.101	15.0411	536.010	28.3201	119.01	183.310	1710.2b	9-6.2	227.01	1(1)
1(5)	24.101	15.0411	536.010	28.3201	119.01	183.310	1710.2e	9-6.2	227.01	-
1(1)	24.101	15.0411	536.010	-	119.01	183.310	1710.2a	9-6.2	227.01	-
2, 3	24.102	15.0412	-	-	119.03	183.330	-	9-6.4	-	-
9	24.102	15.0412	-	-	-	183.330	-	-	-	-
6	-	15.0412	-	-	-	183.330	-	9-6.3	-	-
3(2), 2(1)	-	15.0412	-	-	119.03	183.330	1710.21	9-6.4; 9-6.6	-	-
5	24.72	15.0412, 13	536.020	28.3203	119.04	183.350	1710.21	9-6.7	227.023	-
5	24.74	15.0413	-	28.3203	-	-	-	9-6.7(c)	227.026	-
-	-	-	10 da.	-	10 da.	10 da.	-	-	227.026	-
2(3), 3(3)	24.75	-	536.020	-	119.03	-	-	9-6.5	227.026	-
6	24.76	15.0414; 15.047	536.030	28.3203	119.05	183.360	1710.21a	9-6.7(b)	227.025	-
6	24.76	15.046	536.030	-	-	183.360	1710.21a	-	227.025; 227.024	-
-	24.76	15.047	536.030	-	-	183.360	-	-	-	-
-	-	15.0414; 15.047	-	-	-	183.360	-	-	-	-
-	24.76	15.0414	536.030	-	-	183.360	-	-	-	-
6	24.78	15.047; 15.0414	536.030	28.3203	119.05	183.360; 183.370	1710.21a	-	-	-
4	24.103	15.0415	536.041	-	-	183.390	-	9-6.8	227.015	-
4	24.103	15.0415	536.040	-	-	183.390	-	9-6.8	227.015	-
-	-	-	-	28.3204	-	-	-	-	-	-
-	24.72	-	-	28.3202	-	-	1710.21	9-6.9	-	-
-	24.72	15.0412	-	28.3202	-	-	1710.21	-	-	-
-	24.71(b); 24.78(b) (c)(d)(e)	-	-	-	-	-	-	9-6.9	-	-

APPENDIX II

ADMINISTRATIVE ADJUDICATION	Federal Act	Model State Act	Ariz.	Cal.	Colo.	Ill.	Ind.	Md.
1. Declaratory judgment on validity of rules by court	§ 1009(b)(d)	7	41-1007	11440	-	-	-	249
2. Petition for agency declaratory ruling	§ 1004(d)	8	-	-	-	-	-	250
3. Duty of agency in contested cases	§ 1004	9	-	11512	3-16-4	-	3	251
Notice to party	§ 1004(a)	9(a)-(b)	-	11509	3-16-14(2)	-	5,6	251
Hearing before agency	§ 1004(a)	9(a)	-	11508	3-16-4(3)	-	5,6	251
Agency to prepare official record	-	9(e)	-	-	-	-	9	251
Informal disposition, settlement, etc.	§ 1004(b)	9(d)	-	-	-	-	4	251
4. Rules of evidence	§ 1006	10	-	11513	3-16-4(7)	-	7,8	252
Effect given to evidence of probative value	§ 1006(c)	10(1)	-	11513	-	-	8	252(a)
Based on evidence in record	§ 1006(d)	-	-	11517	3-16-4(8)	-	8	252(b)
Right to cross examine and to submit rebuttal	§ 1006(c)	10(3)	-	11513	3-16-4(7)	-	8	252(c)
"Official notice"	§ 1006(d)	10(4)	-	11513	3-16-4(8)	-	-	252(d)
5. Examination of evidence by agency, if agency has not heard or read all the evidence: <u>Proposed decision</u> (must be served and opportunity afforded party to submit exceptions and arguments)	§ 1007	11	-	11517	-	-	12	253
6. Decisions and orders must be in writing, . . . and parties notified in person or by mail	§ 1006(d)	12	-	11518	-	-	-	254
7. Hearing officers or examiners	§ 1010	-	-	11502, 11512, 11521	3-16-4(3)	-	-	-

APPENDIX II (Cont'd)

Mass.	Mich.	Minn.	Mo.	N.D.	Ohio	Ore.	Pa.	Va.	Wis.	Model Mun. Act
7	-	15.0416	536.050	-	-	183.400	-	9-6.9(a)	227.05	-
8	-	-	-	-	-	183.410	-	-	227.06	-
10	24.104	15.0418	536.063; 67	28.3205	119.06	183.420	1710.31	9-6.10	227.07	-
10,11	24.104	15.0418	536.067	28.3205	119.07	183.420	1710.31	9-6.10	227.09	-
10,11	24.104	15.0418	536.063	28.3205	119.07	183.420	1710.31	9-6.10	227.07	-
11(6)	24.104	15.0418	536.063; 67	28.3206	119.09	183.420	1710.31	-	227.11	-
-	24.104	15.0418	536.060	-	-	183.420	-	-	-	-
11(2)	24.105	15.0419	536.070	28.3206	119.09	183.450	1710.32	9-6.11	227.10	-
11(2)	24.105(1)	15.0419	536.070	28.3206	-	183.450	1710.32	9-6.11	227.10(1)	-
11(4)	24.105(2)	15.0419	536.070	28.3206	-	183.450	-	9-6.11(d)	-	-
11(3)	24.105(3)	15.0419	536.070	28.3207	119.09	183.450	1710.32	9-6.11(e)	-	-
11(5)	24.105(4)	15.0419	536.070	28.3207	-	183.450	-	-	227.10(3)	-
11(7)	24.106	15.0421	536.080	-	119.09	183.460	-	-	227.12	-
11(8)	24.107	15.0422	536.090	28.3212	119.09	183.470	1710.34	9-6.12	227.13	-
-	-	-	-	-	119.09	-	-	-	-	-

APPENDIX III

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION	Federal Act	Model State Act	Ariz.	Cal.	Colo.	Ill.	Ind.	Md.
Initial Judicial Review	§ 1009	15	12-904	11440; 11523	3-16-5	265.2	14	255
1. Any person aggrieved by final agency action entitled to	§ 1009(a)	15(a)	12-904	11523	3-16-5(3)	267.4	14	255(a)
2. Time party has to institute court review	-	30 da.	35 da.	30 da.	-	35 da.	15 da.	30 da.
3. Time allowed agency to submit record to court	-	30 da.	-	30 da.	-	-	-	30 da.
4. Filing of petition for review not to stay agency decision, but it may be granted	§ 1009(d)	15(c)	12-911	11519	3-16-5(5)	275.12(a)	17;26	255(c)
5. Conditions for presenting additional evidence	-	15(e)	12-910	-	3-16-5(6)	274.11; 275.12	15	255(e)
6. Court review to be without jury and confined to record except for procedural irregularities	-	15(f)	-	-	-	-	18	255(f)
7. What action court may take:	§ 1009(e)	15(g)	12-911	-	3-16-5(7)	274.11	18	255(g)
a) Affirm or remand to agency	-	15(g)	12-911	-	3-16-5(7)	275.12	18	255(g)
b) Reverse or modify if substantial rights of the party are prejudiced because the administrative action	-	15(g)	-	-	3-16-5(7)	275.12	18	255(g)
(1) Violates constitution	§ 1009(e)	15(g)(1)	-	-	3-16-5(7)	-	18	255(g)(1)
(2) Exceeds statute or agency jurisdiction	§ 1009(e)	15(g)(2)	-	-	3-16-5(7)	-	18	255(g)(2)
(3) Is made on unlawful procedure	§ 1009(e)	15(g)(3)	-	-	3-16-5(7)	-	18	255(g)(3)
(4) Involves other error of law	§ 1009(e)	15(g)(4)	-	-	3-16-5(7)	-	-	255(g)(5)
(5) Is unsupported by competent, material and substantial evidence in view of entire record	§ 1009(e)	15(g)(5)	-	-	3-16-5(7)	-	18	255(g)(5)
(6) Is arbitrary and capricious	§ 1009(e)	15(g)(6)	-	-	3-16-5(7)	-	18	255(g)(8)
Appellate Review	§ 1009(d)	16	12-913	-	3-16-5(7)	276.13	19	256

APPENDIX III (Cont'd)

Mass.	Mich.	Minn.	Mo.	N.D.	Ohio	Ore.	Pá.	Va.	Wis.	Model Mun. Act
7; 14	24.108	-	536.100	28.3215	119.11; 119.12	183.480	1710.41	9-6.13	227.15	1-10
14	24.108(1)	-	536.100	28.3215	119.11	183.480	1710.41	9-6.13	227.16	1(2)
30 da.	30 da.	-	30 da.	30 da.	15 da.	60 da.	30 da.	30 da.	30 da.	30 da.
40 da.	30 da.	-	30 da.	30 da.	10 da.	30 da.	30 da.	30 da.	30 da.	20 da.
14(3)	-	-	536.120	28.3220	119.11; 119.12	183.480	1710.43	9-6.13(h)	227.17	10(1)(a)
14(7)	24.108(4)	-	536.130(3)	28.3218	119.12	183.480	-	9-6.13(f)	227.19	9(2)
14(6)	24.108(5)	-	536.140(1)	28.3219	119.12	183.480	1710.44	9-6.13(f)	227.20	-
14	24.108(6)	15.0417	536.140(5)	28.3219	119.12	183.480	1710.44	9-6.13(g)	227.20	10
14(8)	24.108(6)	15.0417	536.140(5)	28.3219	119.12	183.480	1710.44	9-6.13(g)	227.20	10(1)(e)
14(6)	24.108(6)	15.0417	536.140(5)	28.3219	119.12	183.480	1710.44	9-6.13(g)	227.20	10(1)(e); 10(1)(f)
14(8)(a)	24.108(6)	15.0417	536.140(2)	28.3219	-	-	1710.44	9-6.13(g)	227.20	-
14(8)(b)	24.108(6)	15.0417	536.140(2)	28.3219	119.12	-	1710.44	9-6.13(g)	227.20	-
14(8)(d)	24.108(6)	15.0417	536.140(2)	28.3219	-	-	1710.44	9-6.13(g)	227.20	-
14(8)(c)	24.108(6)	-	536.140(2)	28.3219	-	-	-	9-6.13(g)	227.20	9(2)
14(8)(e)	24.108(6)	-	536.140(2)	28.3219	119.12	-	1710.44	9-6.13(g)	227.20	-
14(8)(g)	24.108(6)	-	536.140(2)	-	-	-	-	9-6.13(g)	227.20	9(6)
15; 16	24.109	-	526.140(6)	28.3221	119.12	183.500	1710.45; 1710.46	9-6.14	227.21	11