

FORTY-SIXTH LEGISLATURE  
FIRST SESSION, 2003

March 10, 2003

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred  
HOUSE BILL 849

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 3, line 22, after the period insert "The order shall be effective immediately; however, the person named in the order may request an administrative hearing before the secretary within ten days after the order is served. If a timely request for a hearing is made, the secretary shall hold the hearing within thirty days."

2. On page 6, between lines 2 and 3, insert the following new section to read:

"Section 5. A new section of the Radiation Protection Act is enacted to read:

"[NEW MATERIAL] ADMINISTRATIVE ACTIONS--APPEALS. --

A. A person who is adversely affected by a final administrative action of the secretary may appeal to the court of appeals for further relief within thirty days after the action. All appeals shall be on the administrative record developed by the secretary.

B. Upon appeal, the court of appeals shall set aside the action only if it is found to be:

(1) arbitrary, capricious or an abuse of discretion;

(2) not supported by substantial evidence in the record; or

(3) otherwise not in accordance with law.

C. A stay of enforcement of the action being appealed may be granted after hearing and upon good cause shown:

FORTY-SIXTH LEGISLATURE  
FIRST SESSION, 2003

HJC/HB 849

Page 2

(1) by the secretary; or

(2) by the court of appeals if the secretary denies a stay or fails to act upon an application for a stay within sixty days after receipt. "".

3. Renumber the succeeding sections accordingly.

Respectfully submitted,

\_\_\_\_\_  
W. Ken Martinez, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Godbey, Park

Absent: None

. 146295. 2

H0849JC1. wpd