

## **ABA Project for Compact Administrative Procedures**

The Section of Administrative Law & Regulatory Practice is embarking on a project to draft an Administrative Procedure Act for application to or adoption by agencies created by multi-state agreements or interstate compacts. The ultimate goal would be to have the project's work product adopted by the House of Delegates as ABA policy.

Interstate compact agencies generally are not considered federal agencies within the scope of the federal APA, are not generally subject to state APAs, and in some states, such as Delaware and the District of Columbia, are expressly excluded from the scope of the state's APA. Some recent compacts have incorporated APA-like provisions, but the practice is hardly uniform.

Interstate compacts offer great value as an alternative to federal involvement in interstate relations and are particularly apt for matters traditionally addressed by states, such as law enforcement and public health and safety, and other interstate matters handled more efficiently on a regional basis. Some 190 interstate agreements are currently in place to help states cope with the multi-state aspects of such concerns as low-level radioactive waste management, adult probation and parole supervision, waterway management, motor vehicle license administration, and transportation planning and regulation.

This project grew out of the efforts of project co-chair Kent Bishop of the Utah Governor's office, after serving on a drafting team for the Interstate Compact on Juveniles being adopted by states. In January, he joined with members of this Section's State Administrative Law Committee to develop a set of proposed rulemaking guidelines for the Council of State Governments (CSG) to apply to the new Interstate Compact on Adult Offender Supervision. Those guidelines and this project will be the subject of a panel discussion at this year's November Administrative Law Conference in Washington, DC.

The project's other co-chair, Bill Morrow, has been General Counsel of the Washington Metropolitan Area Transit Commission since 1991. The Commission is an interstate compact agency regulating private sector passenger transportation in the DC area since 1960. Bill has been active in the section since 1994 and currently serves as editor of the Administrative & Regulatory Law News.

Like the section's recent federal APA project, the Interstate Compact APA project will be divided into six segments: rulemaking, adjudication, scope of judicial review, availability of judicial review, openness, and government management. Participants will build on the work already completed by the State Administrative Law Committee by surveying state APAs and developing comprehensive guidelines that may then be recommended for application to or adoption by current and future compact agencies.

Those who care to participate may sign up by contacting the project's co-chairs:

Kent Bishop -- [kbishop@utah.gov](mailto:kbishop@utah.gov), Bill Morrow -- [wmatc@erols.com](mailto:wmatc@erols.com)

Please indicate which segment you would prefer to help cover.

-William Funk--Section Chair

July 2003