



ARIZONA HOUSE OF REPRESENTATIVES

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Senate: GOV DP 5-3-0-0 | 3rd Read 16-14-0-0
House: COM DP 6-4-0-0 | 3rd Read 31-29-0-0

SB 1063: administrative review of agency decisions

Sponsor: Senator Mesnard, LD 17

Transmitted to the Governor

Overview

Requires, if demanded by certain parties, that a trial for review of final administrative decisions of certain state agencies be a *trial de novo*.

History

A person is permitted to appeal a final administrative decision of a contested case or an appealable agency action in accordance with statute relating to judicial review of administrative decisions. In an action for judicial review of a final administrative decision, jurisdiction is vested with the superior court, unless another venue is expressly prescribed in statute (A.R.S. §§ [41-1092.08](#) and [12-905](#)).

An affected party in a final administrative decision must file a notice of appeal within 35 days of receiving the decision in order to commence an action to review a final administrative decision. The notice of appeal must contain a statement of the findings and decisions sought to be reviewed (A.R.S. §§ [12-904](#) and [12-909](#)).

After reviewing the administrative record and supplementing evidence, the court may affirm, reverse, modify or vacate and remand the agency action. The court must affirm the agency action unless the court concludes that the agency action is contrary to law, not supported by substantial evidence, arbitrary and capricious or an abuse of discretion. In proceedings brought by or against a regulated party, the court must decide all questions of law without deference to any previous determination by the agency. For review of final administrative decisions of specified agencies that are exempt from administrative hearing procedures, the trial must be a trial de novo, if: 1) demanded in the notice of appeal or motion of an appellee other than the agency; and 2) a hearing was either not held by the agency or not reported or recorded to maintain a transcript ([A.R.S. § 12-910](#)).

A *trial de novo* is a trial in a higher court in which all the issues of fact or law tried in a lower court are reconsidered as if no previous trial had taken place.

Provisions

1. Requires a trial, in an action to review a final administrative decision of certain state agencies that regulate a profession or occupation, to be *de novo* if demanded in the notice of appeal or motion of an appellee other than the agency. (Sec. 1)
2. Instructs the court, in a proceeding brought by or against the regulated party, to decide all questions of fact without deference to any previous determination that may have been made by the agency. (Sec. 1)
3. Makes technical changes. (Sec. 1-2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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