



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

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## **SB 1459: agency decisions; administrative reviews**

**Sponsor: Senator Petersen, LD 12**

**Committee on Judiciary**

### **Overview**

Expands judicial review of administrative decisions to cover actions by the Arizona Corporation Commission (ACC).

### **History**

Cases involving judicial review of final administrative decisions are heard in superior court of the county where: 1) any part of the hearing leading to the decision of the administrative agency was held; 2) any part of the subject matter involved is located; or 3) any party of the transaction leading to the proceedings before the agency took place ([A.R.S. § 12-905](#)). If the administrative agency is exempt from the uniform administrative hearing procedure, judicial review of the final administrative decision may be de novo ([A.R.S. § 12-910](#)).

The ACC is exempt from both uniform administrative hearing procedures and judicial administrative review (A.R.S. §§ [12-910](#); [41-1092.02](#)).

The ACC is established in [Article 15](#) of the Arizona Constitution, which grants powers including:

- 1) Prescribing just and reasonable rates to be charged by public service corporations;
- 2) Making and enforcing rules for the convenience, comfort, safety and preservation of health of employees and customers of public service corporations;
- 3) Investigating corporations with publicly traded stock and public service corporations doing business within the state; and
- 4) Issuing certificates of incorporation (Arizona Constitution, art. 15 §§ [3](#); [4](#); [5](#)).

The Arizona Constitution does not restrict the right of public service corporations to appeal ACC decisions to the state's courts, provided that the rules challenged remain in effect pending the court's ruling (Arizona Constitution, [art. 15 § 17](#)).

### **Provisions**

1. Removes the exemption of the ACC from judicial review of administrative decisions. (Sec. 1)
2. Makes technical changes. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note