



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1459

agency decisions; administrative reviews

Purpose

Removes the administrative review exemption that applies to Arizona Corporation Commission (ACC) administrative decisions, with exceptions.

Background

The ACC has the power to: 1) prescribe just and reasonable classifications to be used and just and reasonable rates and charges to be made and collected by public service corporations in Arizona; 2) prescribe the forms of contracts and the systems of keeping accounts to be used by such corporations in transacting such business; and 3) make and enforce reasonable rules, regulations and orders for the convenience, comfort, safety and the preservation of the health of the employees and patrons of such corporations, with exceptions ([Ariz. Const. art. 15 § 3](#)).

For judicial review of final administrative decisions of agencies exempt from uniform administrative hearing procedures, the trial must be de novo if: 1) trial de novo is demanded in the notice of appeal or motion of an appellee other than the agency; and 2) a hearing was not held by the agency or the proceedings before the agency were not stenographically reported or mechanically recorded so that a transcript might be made ([A.R.S. § 12-910](#)). The ACC is exempt from uniform administrative hearing procedures ([A.R.S. § 41-1092.02](#)). Furthermore, statute exempts ACC agency actions from judicial administrative review ([A.R.S. § 12-910\(G\)](#)).

Administrative decision means any decision, order or determination of an administrative agency that: 1) is rendered in a case; 2) affects the legal rights, duties or privileges of persons; and 3) terminates the proceeding before the administrative agency. If the administrative agency requires or permits an application for a rehearing or other method of administrative review, and an application for a rehearing or review is made, no administrative decision of such agency is final as to the party applying for the rehearing or review until the rehearing or review is denied or the decision on rehearing or review is rendered ([A.R.S. § 12-901](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Removes the administrative review exemption that applies to ACC agency actions and subjects ACC decisions to de novo court review and statutory requirements for the scope of a judicial review of agency actions, except for actions related to:
 - a) public service corporation issuance of stocks and bonds; or
 - b) the Powerplant and Transmission Line Siting Committee and related agency actions.
2. Makes technical changes.
3. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

- Removes, from the proposed de novo standard of review, specified ACC agency actions.

Senate Action

JUD 2/18/21 DP 4-3-1
3rd Read 3/3/21 16-14-0

House Action

JUD 3/24/21 DPA 6-4-0-0
3rd Read 4/26/21 31-28-1

Prepared by Senate Research

April 26, 2021

JA/RC/gs/kja