



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

Senate: GOV DPA 4-3-1-0 | 3<sup>rd</sup> Read DPA 16-13-1-0

## **SB 1634: nonhealth regulatory boards; challenges; prohibition**

**Sponsor: Senator Hoffman, LD 15**

**Committee on Regulatory Affairs**

### **Overview**

Amends statute pertaining to final administrative decisions to include a Nonhealth Profession Regulatory Board (Board).

### **History**

Statute requires an agency to serve notice of an appealable agency action or contested case. A party may obtain a hearing on an appealable agency action or contested case by filing a notice of appeal or request for a hearing with the agency within 30 days after receiving the notice. The agency must notify the Office of Administrative Hearings (Office) of the appeal or request for a hearing and the Office then schedules a hearing ([A.R.S. § 41-1092.03](#)).

The process for judicial review of an agency action allows the court to affirm, reverse, modify or vacate the agency action after reviewing the administrative record and evidence presented at the hearing. The court must affirm the agency action unless it is found that the agency's action is contrary to law, not supported by substantial evidence, arbitrary or an abuse of discretion. In a proceeding brought by or against the regulated party, the court shall decide the following, without deference to any previous determination that may have been made by the agency:

- 1) all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an agency; and
- 2) all questions of fact ([A.R.S. § 12-910](#)).

Costs may be awarded to the appellee agency if a judgment adverse to the appellant is rendered. Such costs may be awarded in an amount deemed reasonable by the superior court, based on the expense the appellee agency has incurred in preparing the record of the proceedings before judicial review. The final judgment of the superior court entered in an action to review a decision of an administrative agency may be appealed to the Arizona Supreme Court ([A.R.S. § 12-912](#), [12-913](#)).

### **Provisions**

1. Specifies that the Board's decision is the final administrative decision unless the regulated person accepts the ALJ's decision instead. (Sec. 1)
2. Prohibits the Board from appealing the final administrative decision to the superior court. (Sec. 1)
3. Instructs Legislative Council to prepare conforming legislation for the next legislative session. (Sec 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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