



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 11, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 11, 2018:

HB 2006 minimum age; marriage (Ugenti-Rita)
HB 2042 insurance coverage; telemedicine; urology (Carter)
HB 2047 workers' compensation; employee definition; LLCs (Livingston)
HB 2152 fingerprinting; joint powers authority (John)
HB 2154 personal information; data security breaches (Shope)
HB 2184 secretary of state; counties; rulemaking (Coleman)
HB 2216 schools; dropout recovery programs; report (Leach)
HB 2238 administrative decisions; review; scope (Farnsworth, E.)
HB 2244 dangerous crimes; children; fictitious age (Farnsworth, E.)
HB 2305 vehicle dealers; franchise regulations (Campbell)
HB 2323 schools; inhalers; contracted nurses (Carter)
HB 2342 off-highway vehicles; definition; user indicia (John)
HB 2464 sale of eggs; expiration date (Norgaard)
SB 1041 residency restrictions; sex offenders; victims (Kavanagh)
SB 1281 street lighting improvement districts; consolidation (Kavanagh)
SB 1355 border security trust fund; repeal (Griffin)
SB 1382 TPT; online lodging marketplace; registration (Kavanagh)
SB 1386 high-tech tax fraud (Farnsworth, D.)
SB 1395 temporary custody without court order (Barto)
SB 1421 environmental quality; amendments (Griffin)
SB 1436 prohibition; criminal history; occupational regulation (Borges)
SB 1465 sober living homes; certification (Brophy McGee)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive, flowing style with a large initial 'D'.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed
FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 180
HOUSE BILL 2238

AN ACT

AMENDING SECTION 12-910, ARIZONA REVISED STATUTES; RELATING TO
ADMINISTRATIVE DECISIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-910, Arizona Revised Statutes, is amended to
3 read:

4 12-910. Scope of review

5 A. An action to review a final administrative decision shall be
6 heard and determined with convenient speed. If requested by a party to an
7 action within thirty days after filing a notice of appeal, the court shall
8 hold an evidentiary hearing, including testimony and argument, to the
9 extent necessary to make the determination required by subsection E of
10 this section. The court may hear testimony from witnesses who testified
11 at the administrative hearing and witnesses who were not called to testify
12 at the administrative hearing.

13 B. Relevant and admissible exhibits and testimony that were not
14 offered during the administrative hearing shall be admitted, and
15 objections that a party failed to make to evidence offered at the
16 administrative hearing shall be considered, unless either of the following
17 is true:

18 1. The exhibit, testimony or objection was withheld for purposes of
19 delay, harassment or other improper purpose.

20 2. Allowing admission of the exhibit or testimony or consideration
21 of the objection would cause substantial prejudice to another party.

22 C. For review of final administrative decisions of agencies that
23 are exempt from sections 41-1092.03 through 41-1092.11, pursuant to
24 section 41-1092.02, the trial shall be de novo if trial de novo is
25 demanded in the notice of appeal or motion of an appellee other than the
26 agency and if a hearing was not held by the agency or the proceedings
27 before the agency were not stenographically reported or mechanically
28 recorded so that a transcript might be made. On demand of any party, if a
29 trial de novo is available under this section, it may be with a jury,
30 except that a trial of an administrative decision under section 25-522
31 shall be to the court.

32 D. The record in the superior court shall consist of the record of
33 the administrative proceeding, and the record of any evidentiary hearing,
34 or the record of the trial de novo.

35 E. After reviewing the administrative record and supplementing
36 evidence presented at the evidentiary hearing, the court may affirm,
37 reverse, modify or vacate and remand the agency action. The court shall
38 affirm the agency action unless the court concludes that the agency's
39 action is contrary to law, is not supported by substantial evidence, is
40 arbitrary and capricious or is an abuse of discretion. IN A PROCEEDING
41 BROUGHT BY OR AGAINST THE REGULATED PARTY, THE COURT SHALL DECIDE ALL
42 QUESTIONS OF LAW, INCLUDING THE INTERPRETATION OF A CONSTITUTIONAL OR
43 STATUTORY PROVISION OR A RULE ADOPTED BY AN AGENCY, WITHOUT DEFERENCE TO
44 ANY PREVIOUS DETERMINATION THAT MAY HAVE BEEN MADE ON THE QUESTION BY THE

1 AGENCY. NOTWITHSTANDING ANY OTHER LAW, THIS SUBSECTION APPLIES IN ANY
2 ACTION FOR JUDICIAL REVIEW OF ANY AGENCY ACTION THAT IS AUTHORIZED BY LAW.

3 F. NOTWITHSTANDING SUBSECTION E OF THIS SECTION, IF THE ACTION
4 ARISES OUT OF TITLE 20, CHAPTER 15, ARTICLE 2, THE COURT SHALL AFFIRM THE
5 AGENCY ACTION UNLESS AFTER REVIEWING THE ADMINISTRATIVE RECORD AND
6 SUPPLEMENTING EVIDENCE PRESENTED AT THE EVIDENTIARY HEARING THE COURT
7 CONCLUDES THAT THE ACTION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, IS
8 CONTRARY TO LAW, IS ARBITRARY AND CAPRICIOUS OR IS AN ABUSE OF DISCRETION.

9 G. THIS SECTION DOES NOT APPLY TO ANY AGENCY ACTION BY AN AGENCY
10 THAT IS CREATED PURSUANT TO ARTICLE XV, CONSTITUTION OF ARIZONA.

APPROVED BY THE GOVERNOR APRIL 11, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2018

Passed the House February 14, 20 18

Passed the Senate April 5, 20 18

by the following vote: 38 Ayes,

by the following vote: 18 Ayes,

21 Nays, 1 Not Voting

10 Nays, 02 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Pro Tempore

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

9th day of April, 20 18

at 2:29 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

April 2018

at 9:22 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of April, 20 18

at 4:50 o'clock P. M.

[Signature]
Secretary of State

H.B. 2238