

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2391

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-1451, Arizona Revised Statutes, is amended to
3 read:

4 9-1451. Enforcement; office of administrative hearings; fees;
5 fund

6 A. A local government may file a written complaint against a video
7 service provider and a video service provider may file a written complaint
8 against a local government alleging a violation of this chapter or the
9 uniform video service license agreement. THE OFFICE OF ADMINISTRATIVE
10 HEARINGS HAS ORIGINAL JURISDICTION OVER ALL MATTERS UNDER THIS CHAPTER.
11 Unless otherwise provided in section 9-1445, subsections F, G and H or this
12 section:

13 1. All complaints ~~must~~ SHALL be filed with the office of
14 administrative hearings.

15 2. The complainant must serve a copy of the complaint on the party
16 that is the subject of the complaint by personal delivery or certified
17 mail, return receipt requested, or by any other method reasonably
18 calculated to effect actual notice to the local government's last address
19 of record for the party that is the subject of the complaint.

20 3. The party that is the subject of the complaint may file a
21 response to the complaint with the office of administrative hearings within
22 twenty days after service pursuant to paragraph 2 of this subsection.
23 Responses shall be served pursuant to paragraph 2 of this subsection.

1 B. Before filing a complaint pursuant to this section both of the
2 following apply:

3 1. The complainant must provide notice of the alleged violation of
4 this chapter to the party that is the subject of the complaint.

5 2. The party that is the subject of the complaint must have a period
6 of not less than twenty days after the date it receives the notice to
7 resolve the alleged violation.

8 C. Subsection B of this section does not apply to a complaint made
9 in a written demand pursuant to section 9-1445, subsection G.

10 D. A hearing before the office of administrative hearings shall be
11 held if a complaint that complies with this section is filed with the
12 office of administrative hearings. Unless other deadlines are established
13 for a particular complaint, all of the following apply:

14 1. The hearing shall be held within two months after the date that
15 the complaint is filed and service is completed pursuant to subsection A of
16 this section.

17 2. The date scheduled for the hearing may be advanced or delayed on
18 the agreement of the parties or on a showing of good cause.

19 E. The office of administrative hearings shall prepare and serve a
20 notice of hearing on all parties at least one month before the hearing that
21 states the time and place of the hearing.

22 F. A prehearing conference may be held pursuant to section
23 41-1092.05.

24 G. Unless it conflicts with the requirements of this section, the
25 hearing shall be conducted pursuant to section 41-1092.07.

26 H. The complainant has the burden of persuasion at a hearing under
27 this section.

28 I. The decision of the administrative law judge is the final
29 administrative decision with respect to the complaint. The office of
30 administrative hearings shall serve a copy of the administrative law
31 judge's decision on all parties. The final administrative decision may be

1 appealed to the superior court pursuant to title 12, chapter 7, article 6.
2 The superior court proceeding shall be a trial de novo.

3 J. A party may move for rehearing pursuant to section 41-1092.09 and
4 the office of administrative hearings shall rule on the motion. Moving for
5 rehearing or review is not necessary for the party to seek judicial review
6 of the decision of the administrative law judge under subsection I of this
7 section.

8 K. Service is complete on personal service or five days after the
9 date that the office of administrative hearings mails the final
10 administrative decision to each party's last known address of record with
11 the local government.

12 L. The office of administrative hearings shall adopt rules pursuant
13 to title 41, chapter 6 to administer hearings under this chapter and title
14 11, chapter 14. The rules shall apply uniformly to hearings involving
15 local governments and counties.

16 M. The office of administrative hearings shall establish, administer
17 and collect fees in an amount to be determined by the director of the
18 office of administrative hearings. The director shall deposit, pursuant to
19 sections 35-146 and 35-147, all monies in the video service provider
20 complaint fund established by subsection N of this section.

21 N. The video service provider complaint fund is established
22 consisting of monies collected pursuant to subsection M of this section and
23 section 11-1951, subsection M. The office of administrative hearings shall
24 administer the fund. Monies in the fund are continuously appropriated.
25 The office of administrative hearings shall use the monies in the fund for
26 the purpose of administering the duties specified in this article and title
27 11, chapter 14, article 5.

28 Sec. 2. Section 11-1951, Arizona Revised Statutes, is amended to
29 read:

30 11-1951. Enforcement; office of administrative hearings; fees

31 A. A county may file a written complaint against a video service
32 provider and a video service provider may file a written complaint against

1 a county alleging a violation of this chapter or the uniform video service
2 license agreement. THE OFFICE OF ADMINISTRATIVE HEARINGS HAS ORIGINAL
3 JURISDICTION OVER ALL MATTERS UNDER THIS CHAPTER. Unless otherwise
4 provided in section 11-1945, subsections F, G and H or this section:

5 1. All complaints ~~must~~ SHALL be filed with the office of
6 administrative hearings.

7 2. The complainant must serve a copy of the complaint on the party
8 that is the subject of the complaint by personal delivery or certified
9 mail, return receipt requested, or by any other method reasonably
10 calculated to effect actual notice to the county's last address of record
11 for the party that is the subject of the complaint.

12 3. The party that is the subject of the complaint may file a
13 response to the complaint with the office of administrative hearings within
14 twenty days after service pursuant to paragraph 2 of this subsection.
15 Responses shall be served pursuant to paragraph 2 of this subsection.

16 B. Before filing a complaint pursuant to this section both of the
17 following apply:

18 1. The complainant must provide notice of the alleged violation of
19 this chapter to the party that is the subject of the complaint.

20 2. The party that is the subject of the complaint must have a period
21 of not less than twenty days after the date it receives the notice to
22 resolve the alleged violation.

23 C. Subsection B of this section does not apply to a complaint made
24 in a written demand pursuant to section 11-1945, subsection G.

25 D. A hearing before the office of administrative hearings shall be
26 held if a complaint that complies with this section is filed with the
27 office of administrative hearings. Unless other deadlines are established
28 for a particular complaint, all of the following apply:

29 1. The hearing shall be held within two months after the date that
30 the complaint is filed and service is completed pursuant to subsection A of
31 this section.

1 2. The date scheduled for the hearing may be advanced or delayed on
2 the agreement of the parties or on a showing of good cause.

3 E. The office of administrative hearings shall prepare and serve a
4 notice of hearing on all parties at least one month before the hearing that
5 states the time and place of the hearing.

6 F. A prehearing conference may be held pursuant to section
7 41-1092.05.

8 G. Unless it conflicts with the requirements of this section, the
9 hearing shall be conducted pursuant to section 41-1092.07.

10 H. The complainant has the burden of persuasion at a hearing under
11 this section.

12 I. The decision of the administrative law judge is the final
13 administrative decision with respect to the complaint. The office of
14 administrative hearings shall serve a copy of the administrative law
15 judge's decision on all parties. The final administrative decision may be
16 appealed to the superior court pursuant to title 12, chapter 7, article 6.
17 The superior court proceeding shall be a trial de novo.

18 J. A party may move for rehearing pursuant to section 41-1092.09,
19 and the office of administrative hearings shall rule on the motion. Moving
20 for rehearing or review is not necessary for the party to seek judicial
21 review of the decision of the administrative law judge under subsection I
22 of this section.

23 K. Service is complete on personal service or five days after the
24 date that the office of administrative hearings mails the final
25 administrative decision to each party's last known address of record with
26 the county.

27 L. The office of administrative hearings shall adopt rules pursuant
28 to title 41, chapter 6 to administer hearings under this chapter and title
29 9, chapter 13. The rules shall apply uniformly to hearings involving local
30 governments as defined in section 9-1401 and counties.

31 M. The office of administrative hearings shall establish, administer
32 and collect fees in an amount to be determined by the director of the

1 office of administrative hearings. The director shall deposit, pursuant to
2 sections 35-146 and 35-147, all monies in the video service provider
3 complaint fund established by section 9-1451, subsection N."
4 Amend title to conform

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06:20 PM
C: LAT