

Conference Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 288

HOUSE BILL 2009

AN ACT

AMENDING SECTIONS 41-1001, 41-1092, 41-1092.03 AND 41-1092.07, ARIZONA
REVISED STATUTES; RELATING TO REGULATORY REFORM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1001, Arizona Revised Statutes, is amended to
3 read:

4 41-1001. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Agency" means any board, commission, department, officer or other
7 administrative unit of this state, including the agency head and one or more
8 members of the agency head or agency employees or other persons directly or
9 indirectly purporting to act on behalf or under the authority of the agency
10 head, whether created under the Constitution of Arizona or by enactment of
11 the legislature. Agency does not include the legislature, the courts or the
12 governor. Agency does not include a political subdivision of this state or
13 any of the administrative units of a political subdivision, but it does
14 include any board, commission, department, officer or other administrative
15 unit created or appointed by joint or concerted action of an agency and one
16 or more political subdivisions of this state or any of their units. To the
17 extent it AN ADMINISTRATIVE UNIT purports to exercise authority subject to
18 this chapter, an administrative unit otherwise qualifying as an agency must
19 be treated as a separate agency even if the ADMINISTRATIVE unit is located
20 within or subordinate to another agency.

21 2. "Code" means the Arizona administrative code.

22 3. "Committee" means the administrative rules oversight committee.

23 4. "Contested case" means any proceeding, including rate making, price
24 fixing and licensing, in which the legal rights, duties or privileges of a
25 party are required or permitted by law, OTHER THAN THIS CHAPTER, to be
26 determined by an agency after an opportunity for an administrative hearing..

27 5. "Council" means the governor's regulatory review council.

28 6. "Delegation agreement" means an agreement between an agency and a
29 political subdivision that authorizes the political subdivision to exercise
30 functions, powers or duties conferred on the delegating agency by a provision
31 of law. Delegation agreement does not include intergovernmental agreements
32 entered into pursuant to title 11, chapter 7, article 3.

33 7. "Emergency rule" means a rule that is made pursuant to section
34 41-1026.

35 8. "Fee" means a charge prescribed by an agency for an inspection or
36 for obtaining a license.

37 9. "Final rule" means any rule filed with the secretary of state and
38 made pursuant to an exemption from this chapter in section 41-1005, made
39 pursuant to section 41-1026, approved by the council pursuant to section
40 41-1052 or 41-1053 or approved by the attorney general pursuant to section
41 41-1044. For purposes of judicial review, final rule includes proposed
42 summary rules having interim effect pursuant to section 41-1027.

43 10. "License" includes the whole or part of any agency permit,
44 certificate, approval, registration, charter or similar form of permission

1 required by law, but it does not include a license required solely for
2 revenue purposes.

3 11. "Licensing" includes the agency process respecting the grant,
4 denial, renewal, revocation, suspension, annulment, withdrawal or amendment
5 of a license.

6 12. "Party" means each person or agency named or admitted as a party
7 or properly seeking and entitled as of right to be admitted as a party.

8 13. "Person" means an individual, partnership, corporation,
9 association, governmental subdivision or unit of a governmental subdivision,
10 a public or private organization of any character or another agency.

11 14. "Preamble" means:

12 (a) For any rule making subject to this chapter, a statement
13 accompanying the rule that includes:

14 (i) Reference to the specific statutory authority for the rule.

15 (ii) The name and address of agency personnel with whom persons may
16 communicate regarding the rule.

17 (iii) An explanation of the rule, including the agency's reasons for
18 initiating the rule making.

19 (iv) A reference to any study relevant to the rule that the agency
20 reviewed and either proposes to rely on in its evaluation of or justification
21 for the rule or proposes not to rely on in its evaluation of or justification
22 for the rule, where the public may obtain or review each study, all data
23 underlying each study and any analysis of each study and other supporting
24 material.

25 (v) The economic, small business and consumer impact summary, or in
26 the case of a proposed rule, a preliminary summary and a solicitation of
27 input on the accuracy of the summary.

28 (vi) A showing of good cause why the rule is necessary to promote a
29 statewide interest if the rule will diminish a previous grant of authority
30 of a political subdivision of this state.

31 (vii) Such other matters as are prescribed by statute and that are
32 applicable to the specific agency or to any specific rule or class of rules.

33 (b) In addition to the information set forth in subdivision (a) of
34 this paragraph, for a proposed rule, the preamble also shall include a list
35 of all previous notices appearing in the register addressing the proposed
36 rule, a statement of the time, place and nature of the proceedings for the
37 making, amendment or repeal of the rule and where, when and how persons may
38 request an oral proceeding on the proposed rule if the notice does not
39 provide for one.

40 (c) In addition to the information set forth in subdivision (a) of
41 this paragraph, for a proposed summary rule, the preamble also shall include
42 a statement of the time, place and nature of the proceedings for the making,
43 amendment or repeal of the rule and an explanation of why summary proceedings
44 are justified.

1 (d) For a final rule, except an emergency rule, the preamble also
2 shall include, in addition to the information set forth in subdivision (a),
3 the following information:

4 (i) A list of all previous notices appearing in the register
5 addressing the final rule.

6 (ii) A description of the changes between the proposed rules,
7 including supplemental notices and final rules.

8 (iii) A summary of the comments made regarding the rule and the agency
9 response to them.

10 (iv) A summary of the council's action on the rule.

11 (v) A statement of the rule's effective date.

12 (e) In addition to the information set forth in subdivision (a) of
13 this paragraph, for an emergency rule, the preamble also shall include an
14 explanation of the situation justifying the rule being made as an emergency
15 rule, the date of the attorney general's approval of the rule and a statement
16 of the emergency rule's effective date.

17 15. "Provision of law" means the whole or a part of the federal or
18 state constitution, or of any federal or state statute, rule of court,
19 executive order or rule of an administrative agency.

20 16. "Register" means the Arizona administrative register.

21 17. "Rule" means an agency statement of general applicability that
22 implements, interprets or prescribes law or policy, or describes the
23 procedure or practice requirements of an agency. Rule includes prescribing
24 fees or the amendment or repeal of a prior rule but does not include
25 intraagency memoranda that are not delegation agreements.

26 18. "Rule making" means the process for formulation and finalization
27 of a rule.

28 19. "Small business" means a concern, including its affiliates, which
29 is independently owned and operated, which is not dominant in its field and
30 which employs fewer than one hundred full-time employees or which had gross
31 annual receipts of less than four million dollars in its last fiscal year.
32 For purposes of a specific rule, an agency may define small business to
33 include more persons if it finds that such a definition is necessary to adapt
34 the rule to the needs and problems of small businesses and organizations.

35 20. "Substantive policy statement" means a written expression which
36 informs the general public of an agency's current approach to, or opinion of,
37 the requirements of the federal or state constitution, federal or state
38 statute, administrative rule or regulation, or final judgment of a court of
39 competent jurisdiction, including, where appropriate, the agency's current
40 practice, procedure or method of action based upon that approach or opinion.
41 A substantive policy statement is advisory only. A substantive policy
42 statement does not include internal procedural documents which only affect
43 the internal procedures of the agency and does not impose additional
44 requirements or penalties on regulated parties, confidential information or
45 rules made in accordance with this chapter.

1 21. "Summary rule" means a rule that is made pursuant to section
2 41-1027.

3 Sec. 2. Section 41-1092, Arizona Revised Statutes, is amended to read:
4 41-1092. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administrative law judge" means an individual or an agency head,
7 board or commission that sits as an administrative law judge, that conducts
8 administrative hearings in a contested case or an appealable agency action
9 and that makes decisions regarding the contested case or appealable agency
10 action.

11 2. "Administrative law judge decision" means the findings of fact,
12 conclusions of law and recommendations or decisions issued by an
13 administrative law judge.

14 3. "Appealable agency action" means an action that determines the
15 legal rights, duties or privileges of a party and that is not ~~preceded by an~~
16 ~~opportunity for an administrative hearing~~ A CONTESTED CASE. Appealable
17 agency actions do not include interim orders by self-supporting regulatory
18 boards or rules, orders, standards or statements of policy of general
19 application issued by an administrative agency to implement, interpret or
20 make specific the legislation enforced or administered by it, nor does it
21 mean or include rules concerning the internal management of the agency that
22 do not affect private rights or interests. For the purposes of this
23 paragraph, administrative hearing does not include a public hearing held for
24 the purpose of receiving public comment on a proposed agency action.

25 4. "Director" means the director of the office of administrative
26 hearings.

27 5. "Final administrative decision" means a decision by an agency that
28 is subject to judicial review pursuant to title 12, chapter 7, article 6.

29 6. "Office" means the office of administrative hearings.

30 7. "Self-supporting regulatory board" means any one of the following:

31 (a) The state board of accountancy.

32 (b) The state board of appraisal.

33 (c) The board of barbers.

34 (d) The board of behavioral health examiners.

35 (e) The Arizona state boxing commission.

36 (f) The state board of chiropractic examiners.

37 (g) The board of cosmetology.

38 (h) The state board of dental examiners.

39 (i) The state board of funeral directors and embalmers.

40 (j) The Arizona game and fish commission.

41 (k) The board of homeopathic medical examiners.

42 (l) The Arizona medical board.

43 (m) The naturopathic physicians board of medical examiners.

44 (n) The state board of nursing.

1 (o) The board of examiners of nursing care institution administrators
2 and adult care home managers.

3 (p) The board of occupational therapy examiners.

4 (q) The state board of dispensing opticians.

5 (r) The state board of optometry.

6 (s) The Arizona board of osteopathic examiners in medicine and
7 surgery.

8 (t) The Arizona peace officer standards and training board.

9 (u) The Arizona state board of pharmacy.

10 (v) The board of physical therapy examiners.

11 (w) The state board of podiatry examiners.

12 (x) The state board for private postsecondary education.

13 (y) The state board of psychologist examiners.

14 (z) The board of respiratory care examiners.

15 (aa) The structural pest control commission.

16 (bb) The state board of technical registration.

17 (cc) The Arizona state veterinary medical examining board.

18 (dd) The acupuncture board of examiners.

19 (ee) The ARIZONA regulatory board of physician assistants.

20 (ff) The board of athletic training.

21 (gg) The board of massage therapy.

22 Sec. 3. Section 41-1092.03, Arizona Revised Statutes, is amended to
23 read:

24 41-1092.03. Notice of appealable agency action or contested
25 case; hearing; informal settlement conference;
26 applicability

27 A. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, an agency shall
28 serve notice of an appealable agency action OR CONTESTED CASE pursuant to
29 section 41-1092.04. The notice shall:

30 1. Identify the statute or rule that is alleged to have been violated
31 or on which the action is based. ~~and shall~~

32 2. IDENTIFY WITH REASONABLE PARTICULARITY THE NATURE OF ANY ALLEGED
33 VIOLATION, INCLUDING, IF APPLICABLE, THE CONDUCT OR ACTIVITY CONSTITUTING THE
34 VIOLATION.

35 3. Include a description of the party's right to request a hearing on
36 an THE appealable agency action OR CONTESTED CASE ~~and to request an informal~~
37 ~~settlement conference pursuant to section 41-1092.06.~~

38 4. INCLUDE A DESCRIPTION OF THE PARTY'S RIGHT TO REQUEST AN INFORMAL
39 SETTLEMENT CONFERENCE PURSUANT TO SECTION 41-1092.06.

40 B. A party may obtain a hearing on an appealable agency action OR
41 CONTESTED CASE by filing a notice of appeal OR REQUEST FOR A HEARING with the
42 agency within thirty days after receiving the notice prescribed in subsection
43 A of this section. The notice OF APPEAL OR REQUEST FOR A HEARING may be
44 filed by a party whose legal rights, duties or privileges were determined by
45 the appealable agency action OR CONTESTED CASE. A notice of appeal OR

1 REQUEST FOR A HEARING also may be filed by a party who will be adversely
2 affected by the appealable agency action OR CONTESTED CASE and who exercised
3 any right PROVIDED BY LAW to comment on the action provided by law or rule
4 BEING APPEALED OR CONTESTED, provided that the grounds for THE NOTICE OF
5 appeal OR REQUEST FOR A HEARING are limited to issues raised in that party's
6 comments. The notice of appeal OR REQUEST FOR A HEARING shall identify the
7 party, the party's address, the agency and the action being appealed OR
8 CONTESTED and shall contain a concise statement of the reasons for the appeal
9 OR REQUEST FOR A HEARING. The agency shall notify the office of the appeal
10 OR REQUEST FOR A HEARING and the office shall schedule an AN APPEAL OR
11 CONTESTED CASE hearing pursuant to section 41-1092.05, except as provided in
12 section 41-1092.01, subsection F.

13 C. If good cause is shown an agency head may accept an appeal OR
14 REQUEST FOR A HEARING that is not filed in a timely manner.

15 D. THIS SECTION DOES NOT APPLY TO A CONTESTED CASE IF THE AGENCY:

16 1. INITIATES THE CONTESTED CASE HEARING PURSUANT TO LAW OTHER THAN
17 THIS CHAPTER AND NOT IN RESPONSE TO A REQUEST BY ANOTHER PARTY.

18 2. IS NOT REQUIRED BY LAW, OTHER THAN THIS CHAPTER, TO PROVIDE AN
19 OPPORTUNITY FOR AN ADMINISTRATIVE HEARING BEFORE TAKING ACTION THAT
20 DETERMINES THE LEGAL RIGHTS, DUTIES OR PRIVILEGES OF AN APPLICANT FOR A
21 LICENSE.

22 Sec. 4. Section 41-1092.07, Arizona Revised Statutes, is amended to
23 read:

24 41-1092.07. Hearings

25 A. A party to a contested case or appealable agency action may file
26 a nonperemptory motion with the director to disqualify an office
27 administrative law judge from conducting a hearing for bias, prejudice,
28 personal interest or lack of technical expertise necessary for a hearing.

29 B. The parties to a contested case or appealable agency action have
30 the right to be represented by counsel or to proceed without counsel, to
31 submit evidence and to cross-examine witnesses.

32 C. The administrative law judge may issue subpoenas to compel the
33 attendance of witnesses and the production of documents. The subpoenas shall
34 be served and, on application to the superior court, enforced in the manner
35 provided by law for the service and enforcement of subpoenas in civil
36 matters. The administrative law judge may administer oaths and affirmations
37 to witnesses.

38 D. All parties shall have the opportunity to respond and present
39 evidence and argument on all relevant issues. All relevant evidence is
40 admissible, but the administrative law judge may exclude evidence if its
41 probative value is outweighed by the danger of unfair prejudice, by confusion
42 of the issues or by considerations of undue delay, waste of time or needless
43 presentation of cumulative evidence. The administrative law judge shall
44 exercise reasonable control over the manner and order of cross-examining
45 witnesses and presenting evidence to make the cross-examination and

1 presentation effective for ascertaining the truth, avoiding needless
2 consumption of time and protecting witnesses from harassment or undue
3 embarrassment.

4 E. All hearings shall be recorded. The administrative law judge shall
5 secure either a court reporter or an electronic means of producing a clear
6 and accurate record of the proceeding at the agency's expense. Any party
7 that requests a transcript of the proceeding shall pay the costs of the
8 transcript to the court reporter or other transcriber.

9 F. Unless otherwise provided by law, the following apply:

10 1. A hearing may be conducted in an informal manner and without
11 adherence to the rules of evidence required in judicial proceedings. Neither
12 the manner of conducting the hearing nor the failure to adhere to the rules
13 of evidence required in judicial proceedings is grounds for reversing any
14 administrative decision or order if the evidence supporting the decision or
15 order is substantial, reliable and probative.

16 2. Copies of documentary evidence may be received in the discretion
17 of the administrative law judge. On request, parties shall be given an
18 opportunity to compare the copy with the original.

19 3. Notice may be taken of judicially cognizable facts. In addition,
20 notice may be taken of generally recognized technical or scientific facts
21 within the agency's specialized knowledge. Parties shall be notified either
22 before or during the hearing or by reference in preliminary reports or
23 otherwise of the material noticed including any staff memoranda or data and
24 they shall be afforded an opportunity to contest the material so
25 noticed. The agency's experience, technical competence and specialized
26 knowledge may be used in the evaluation of the evidence.

27 4. On application of a party or the agency and for use as evidence,
28 the administrative law judge may permit a deposition to be taken, in the
29 manner and on the terms designated by the administrative law judge, of a
30 witness who cannot be subpoenaed or who is unable to attend the hearing.
31 Subpoenas for the production of documents may be ordered by the
32 administrative law judge if the party seeking the discovery demonstrates that
33 the party has reasonable need of the materials being sought. All provisions
34 of law compelling a person under subpoena to testify are applicable. Fees
35 for attendance as a witness shall be the same as for a witness in court,
36 unless otherwise provided by law or agency rule. Notwithstanding section
37 12-2212, subpoenas, depositions or other discovery shall not be permitted
38 except as provided by this paragraph or subsection C of this section.

39 5. Informal disposition may be made by stipulation, agreed settlement,
40 consent order or default.

41 6. Findings of fact shall be based exclusively on the evidence and on
42 matters officially noticed.

43 7. A final administrative decision shall include findings of fact and
44 conclusions of law, separately stated. Findings of fact, if set forth in

1 statutory language, shall be accompanied by a concise and explicit statement
2 of the underlying facts supporting the findings.

3 ~~G. At a hearing on a denial of a license or permit, the applicant has~~
4 ~~the burden of proof~~ EXCEPT AS OTHERWISE PROVIDED BY LAW:

5 1. AT A HEARING ON AN AGENCY'S DENIAL OF A LICENSE OR PERMIT OR A
6 DENIAL OF AN APPLICATION OR REQUEST FOR MODIFICATION OF A LICENSE OR PERMIT,
7 THE APPLICANT HAS THE BURDEN OF PERSUASION.

8 2. AT A HEARING ON AN AGENCY ACTION TO SUSPEND, REVOKE, TERMINATE OR
9 MODIFY ON ITS OWN INITIATIVE MATERIAL CONDITIONS OF A LICENSE OR PERMIT, THE
10 AGENCY HAS THE BURDEN OF PERSUASION.

11 3. AT A HEARING ON AN AGENCY'S IMPOSITION OF FEES OR PENALTIES OR ANY
12 AGENCY COMPLIANCE ORDER, THE AGENCY HAS THE BURDEN OF PERSUASION.

13 4. AT A HEARING HELD PURSUANT TO TITLE 41, CHAPTER 23 OR 24, THE
14 APPELLANT OR CLAIMANT HAS THE BURDEN OF PERSUASION.

15 H. SUBSECTION G OF THIS SECTION DOES NOT AFFECT THE LAW GOVERNING
16 BURDEN OF PERSUASION IN AN AGENCY DENIAL OF, OR REFUSAL TO ISSUE, A LICENSE
17 RENEWAL.

18 Sec. 5. Regulatory reform and enforcement study committee;
19 composition; duties; report

20 A. The regulatory reform and enforcement study committee is
21 established consisting of the following members:

22 1. Three members of the house of representatives who are appointed by
23 the speaker of the house of representatives, not more than two of whom are
24 members of the same political party. The speaker shall designate one of
25 these members as cochairperson of the committee.

26 2. Three members of the senate who are appointed by the president of
27 the senate, not more than two of whom are members of the same political
28 party. The president shall designate one of these members as cochairperson
29 of the committee.

30 3. Two members who are appointed by the governor and who represent one
31 of the following groups:

32 (a) Occupational licensing boards.

33 (b) Regulated professions and occupations.

34 4. Two members who represent the general public and who are appointed
35 by the governor.

36 5. Two members, one of whom represents a large state agency and one
37 of whom represents a small state agency, who are appointed by the governor.

38 6. One member who is a representative of the regulated community and
39 who is appointed by the speaker of the house of representatives.

40 7. One member who is a representative of the regulated community and
41 who is appointed by the president of the senate.

42 8. One member who is a county supervisor and who is appointed by the
43 governor.

1 9. One member who is a city or town elected official and who is
2 appointed by the president of the senate.

3 10. One member who is a past or current member of the administrative
4 law section of the state bar of Arizona and who is appointed by the speaker
5 of the house of representatives.

6 11. One member who is an attorney who is a state employee with
7 expertise in administrative law and who is appointed by the governor.

8 B. The study committee shall:

9 1. Conduct hearings and inquire into the following:

10 (a) Issues relating to title 41, chapter 6, Arizona Revised Statutes
11 and to other regulatory and administrative procedures.

12 (b) Agency, political subdivision and regulated community
13 recommendations for streamlining or otherwise improving the rule making and
14 other administrative procedural processes.

15 (c) Specific regulatory or administrative procedure issues referred to
16 the committee by the governor, the president of the senate or the speaker of
17 the house of representatives.

18 (d) Development of a more uniform methodology for the calculation of
19 fees.

20 (e) Compliance with past state and county regulatory reform legislation
21 and their application to other levels of government.

22 (f) Development and application of standard license conditions.

23 (g) Increased coordination of agencies on permits or other government
24 approvals for the type of activities that need them from more than one agency
25 or level of government.

26 (h) Methods to increase the effectiveness of agency ombudsmen and other
27 compliance assistance programs.

28 (i) Proposals to increase the objectivity and consistency of agency
29 inspection, compliance and enforcement activities.

30 (j) The extent that this state and political subdivisions have adopted
31 unnecessary, duplicative or inconsistent regulations.

32 2. Annually on or before December 15, submit a written report of its
33 findings and recommendations to the governor, the president of the senate and
34 the speaker of the house of representatives. The committee shall provide a
35 copy of its report to the secretary of state and the director of the Arizona
36 state library, archives and public records.

37 C. Members of the committee are not eligible to receive compensation
38 but are eligible for reimbursement of expenses pursuant to title 38, chapter
39 4, article 2, Arizona Revised Statutes.

40 D. The study committee may use the services of staff from the
41 legislative branch as needed and made available by the president of the
42 senate and the speaker of the house of representatives.

1 Sec. 6. Regulatory reform and enforcement study committee;
2 review

3 The regulatory reform and enforcement study committee as added by this
4 act, shall review the issue of burden of persuasion in an agency denial of,
5 or refusal to issue, a license renewal and shall include its findings and
6 recommendations in its annual report issued on or before December 15, 2004.

7 Sec. 7. Delayed repeal

8 Section 5 of this act, relating to the regulatory reform and
9 enforcement study committee, is repealed from and after January 31, 2009.

APPROVED BY THE GOVERNOR JUNE 1, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 1, 2004.

Passed the House March 10, 2004

Passed the Senate April 22, 2004

by the following vote: 56 Ayes,

by the following vote: 29 Ayes,

0 Nays, 4 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Fleneth
President of the Senate

Norman L. Moore
Chief Clerk of the House

Chapman B. Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 19, 2004,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Mike Drake
Speaker of the House

Norman L. Joyce
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 24, 2004,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Klu Plumett
President of the Senate

Charmine B. Livingston
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 25th day of May, 2004,

at 11:33 o'clock a. M.

Jennifer Uparra
Secretary to the Governor

Approved this 1 day of

June, 2004,

at 3¹⁵ o'clock P. M.

Jon Rynell
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of June, 2004,

at 4:38 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2009