

Senate Engrossed House Bill

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 365

# **HOUSE BILL 2487**

AN ACT

AMENDING SECTION 41-1002, ARIZONA REVISED STATUTES; RELATING TO  
ADMINISTRATIVE PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1002, Arizona Revised Statutes, is amended to  
3 read:

4 41-1002. Applicability and relation to other law;  
5 preapplication authorization

6 A. This article and articles 2 through 5 of this chapter apply to all  
7 agencies and all proceedings not expressly exempted.

8 B. This chapter creates only procedural rights and imposes only  
9 procedural duties. They are in addition to those created and imposed by  
10 other statutes. To the extent that any other statute would diminish a right  
11 created or duty imposed by this chapter, the other statute is superseded by  
12 this chapter, unless the other statute expressly provides otherwise.

13 C. An agency may grant procedural rights to persons in addition to  
14 those conferred by this chapter so long as rights conferred on other persons  
15 by any provision of law are not substantially prejudiced.

16 D. Unless specifically authorized by statute, an agency shall avoid  
17 duplication of other laws that do not enhance regulatory clarity and shall  
18 avoid dual permitting to the extent practicable.

19 E. UNLESS SPECIFICALLY AUTHORIZED BY STATUTE, AN AGENCY MAY NOT  
20 REQUIRE PREAPPLICATION AUTHORIZATION OR REQUIRE PREAPPLICATION CONFERENCES AS  
21 A REQUIREMENT TO FILING AN APPLICATION THAT IS OTHERWISE ALLOWED BY  
22 STATUTE. IF PREAPPLICATION PROCEDURES ARE REQUIRED BY STATUTE, AN AGENCY  
23 SHALL CONSIDER THE PREAPPLICATION REQUIREMENTS OR PROCEDURES AS THE BEGINNING  
24 OF THE LICENSING TIME FRAME FOR THE PURPOSES OF ARTICLE 7.1 OF THIS  
25 CHAPTER. AN AGENCY MAY OFFER VOLUNTARY PREAPPLICATION PROCEDURES WITHOUT  
26 SPECIFIC STATUTORY AUTHORITY IF THE AGENCY COMMUNICATES TO AN APPLICANT THAT  
27 THE PREAPPLICATION PROCEDURES ARE NOT MANDATORY. IF PREAPPLICATION  
28 PROCEDURES ARE OFFERED BY AN AGENCY, THE AGENCY SHALL CONSIDER THE COSTS AND  
29 DELAYS THAT MAY BE IMPOSED ON AN APPLICANT AND SHALL SEEK TO MINIMIZE THOSE  
30 IMPACTS.

APPROVED BY THE GOVERNOR MAY 19, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 19, 2016.

Passed the House February 18, 2016

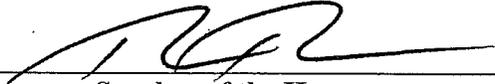
Passed the Senate April 13, 2016

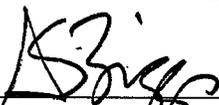
by the following vote: 57 Ayes,

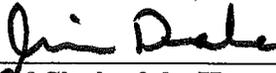
by the following vote: 30 Ayes,

0 Nays, 3 Not Voting

0 Nays, 0 Not Voting

  
\_\_\_\_\_  
Speaker of the House

  
\_\_\_\_\_  
President of the Senate

Pro Tempore  
  
\_\_\_\_\_  
Chief Clerk of the House

  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2487

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 6, 2016,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2016,

at 8:19 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 19<sup>th</sup> day of

May, 2016,

at 11:55 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2487

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 19<sup>th</sup> day of May, 2016

at 3:20 o'clock P M.

[Signature]  
Secretary of State