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Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rulemaking activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA, and other state statutes.

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The authenticated pdf of *Code* Chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking. Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

Arizona Administrative REGISTER

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SECRETARY OF STATE
Adrian Fontes

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ADMINISTRATIVE REGISTER
This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

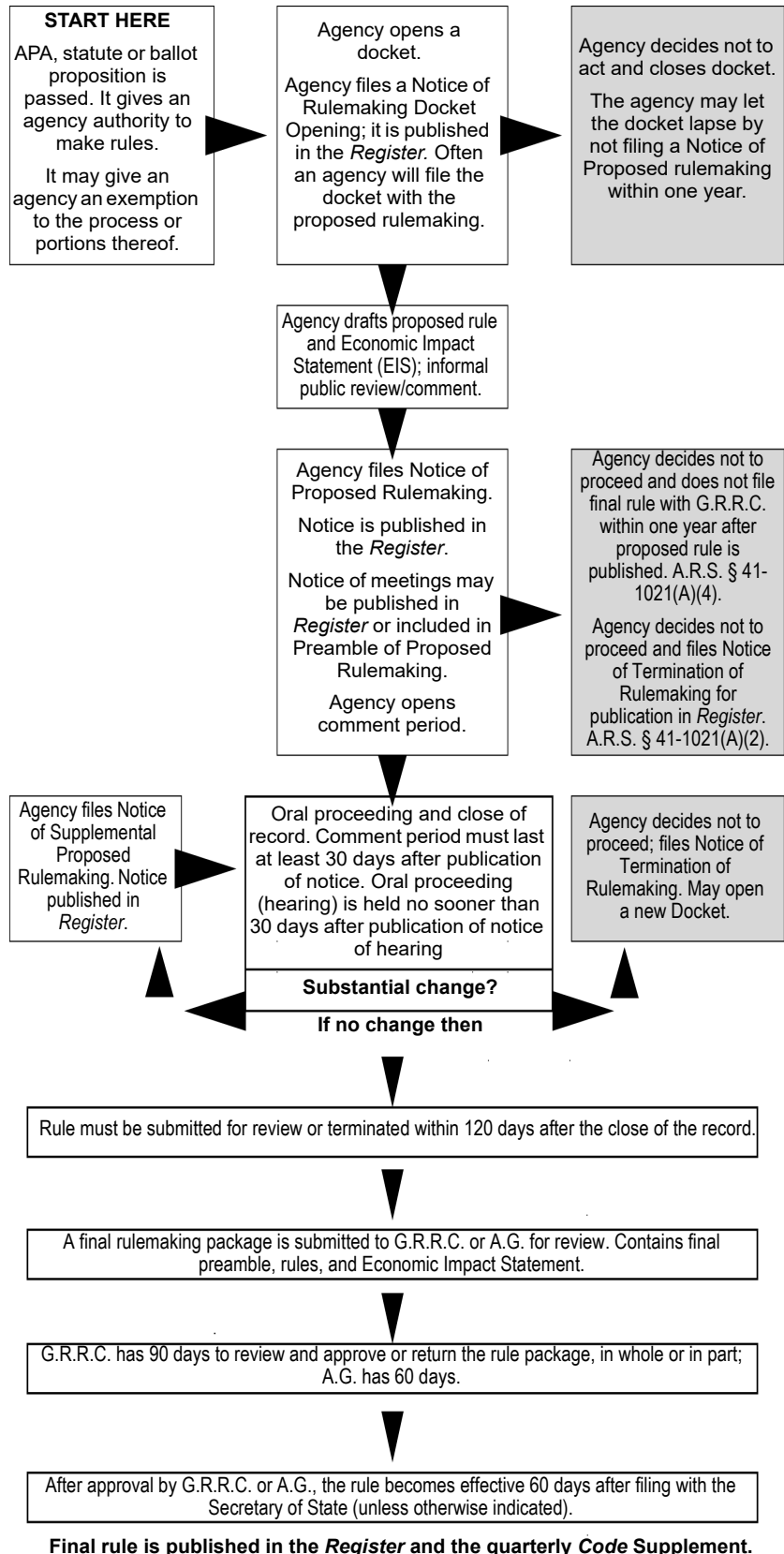
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State’s Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor’s Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor’s Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.

NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency.

Economic Impact Statements are not published but are filed by the agency with their final notice.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to item #5 to contact the person charged with the rulemaking.

The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE ENVIRONMENTAL SERVICES DIVISION

[R24-284]

PREAMBLE

1. **Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:**
October 17, 2024

Table with 2 columns: Article, Part, or Section Affected (as applicable); Rulemaking Action. Lists rule numbers R3-3-1101 through R3-3-1110 and Appendix A with corresponding actions like Amend or Repeal.

3. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 3-107(A)
Implementing statute: A.R.S. §§ 3-903, 3-905 and 3-912

4. **The effective date of the rule:**
February 2, 2025

- a. **If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable.
b. **If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
Not applicable.

5. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final rule:**
Notice of Rulemaking Docket Opening: 29 A.A.R. 2167; Issue date: September 15, 2023; Issue number: 37; File number: R23-172
Notice of Formal Rulemaking Advisory Committee: 29 A.A.R. 3589; Issue date: November 17, 2023; Issue number: 46; File number: M23-50
Notice of Public Information: 29 A.A.R. 3808; Issue date: December 15, 2023; Issue number: 50; File number: M23-66
Notice of Proposed Rulemaking: 30 A.A.R. 2468; Issue date: August 2, 2024; Issue number: 31; File number: R24-138

6. **The agency's contact person who can answer questions about the rulemaking:**
Name: Brian McGrew
Title: Program Manager

Physical Address: Arizona Department of Agriculture
1110 W. Washington St., Suite 450
Phoenix, AZ 85007

Mailing Address: Arizona Department of Agriculture
1802 W. Jackson St., #78
Phoenix, AZ 85007

Telephone: (602) 542-3228

Fax: (602) 542-1004

Email: bmcgrew@azda.gov

Website: <https://agriculture.az.gov/>

7. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

On August 23, 2023 the Department received approval from the Governor's Office Land Use Policy Advisor pursuant to A.R.S. § 41-1039(A)(2) to revise the rules under Title 3, Chapter 3, Article 11, to reduce and ameliorate a regulatory burden, while achieving the same regulatory objective as indicated in the Environmental Services Division's five-year rule review for Title 3, Chapter 3, Article 11. Pursuant to A.R.S. § 3-106 The Chief Executive Officer of the Department established a seven-member formal rulemaking advisory committee of stakeholders, conservationists, and State agencies on November 1, 2023 to provide expert opinion and advice on the proposed changes to the Arizona native plant rules. The Committee met monthly to discuss proposed changes and made formal recommendations to the Chief Executive Officer of the Department on May 16, 2024. The Department also received support from other industry stakeholders, Arizona Nursery Association and the Arizona Farm Bureau. The explanation of changes are as follows:

R3-3-1101: The Department proposes to amend this rule by eliminating the unnecessary definitions for "Agent", "Department", "Landowner", "Noncommercial salvage permit", "Permittee", "Scientific permit" and "Wood receipt"; by adding new useful definitions for "Authorized representative", "Collection", "Highly safeguarded native plant", "Salvage", "Salvage assessed native plant", "Salvage restricted native plant.

An explanation of the jurisdiction of the Arizona native plant statutes and rules is also included here for clarification; and by clarifying the definitions of "Conservation" and "Destroy".

R3-3-1102: The Department proposes to amend the rule to include email address as part of the applicant information; clarifying when the time period begins to proceed with disposal of a native plant; clarify what is needed to obtain a copy of filed Notices of Intent to clear. Includes a change of the fee to be on the notification list from \$25 to \$35 to cover administrative costs, and clarifies when a notification of intent is not required.

R3-3-1103: The Department proposes several changes to this rule. The Department plans to incorporate language in subsection (A) from A.R.S. § 3-905(A) that refers to more than ¼ acre of land and a 60 day notice rather than just referring to the statute. The Department also plans to clarify the requirements for a state agency to allow the salvage protected native plants through the use of permits, tags and seals and the requirement that a person hold a scientific or non-commercial salvage permit for highly safeguarded native plants. The changes clarify the fee exemption for a state agency and the conditions for notification under an emergency where imminent threat to safety or property damage exists.

R3-3-1104: The Department proposes to amend this rule to prescribe the conditions that apply for each native plant permit. What information is required, when one is required, and conditions when one is not required. The Department proposes to move subsections (C) through (E) into rule R3-3-1106, as they relate to fees. The Department will only maintain the requirement to provide a social security number to the extent otherwise required by law. The rule will specifically state when an individual is obtaining the permit their social security number is required. The conditions for exemption from the rules are included for clarity.

R3-3-1105: The Department proposes to combine and rephrase subsections (A)(1) and (B)(1). The Department proposes to move subsections (A)(2), (A)(4), (B)(2) and (B)(4) into rule R3-3-1104, focusing on permit application requirements and permit terms. The Department also proposes to add language to subsections (A)(3) and (B)(3) from A.R.S. § 3-906(C) related to permit requirements for highly safeguarded native plants. Finally, the Department proposes to add a subsection to make clear that plants covered by a scientific or noncommercial salvage permit cannot be sold. The Department proposes to use this rule to detail the permit application requirements. The Department also plans to incorporate the requirement in A.R.S. § 3-909(A) of a certificate of inspection for moving protected native plants out-of-state into this rule. The Department will only maintain the requirement to provide a social security number to the extent otherwise required by law. The rule will specifically state when an individual is obtaining the permit their social security number is required.

R3-3-1106: The Department proposes to rename and utilize the rule to prescribe fees for the permits, tags, and seals issued under the Article, including the fees for native plant law education incorporated from rule R3-3-1109. The fee attending a seminar is increased from \$10 to \$14 and from \$25 to \$35 for a court ordered native plant law seminar. This fee increase is to assist in covering the administrative costs associated with providing seminar training. No permit, tag, or seal fee increases.

R3-3-1107: The Department proposes to remove subsections (A) through (C) and incorporate the language into rule R3-3-1104 as it relates to native plant permits. Then utilize the rule to prescribe tag, seal and cord usage. The requirement for the usage of seals for Arizona protected native plants removed and only required for imported protected native plants. The current native plant tags used also serve the purpose of sealing the cord.

R3-3-1108: The Department proposes to change the reference to salvage restricted to salvage assessed. The Department also proposes to add to the recordkeeping requirements that the permittee must note the location where the plant was taken from and where it was replanted.

R3-3-1109: The Department proposes to repeal the rule and move the native plant law education fee requirements to rule R3-3-1106.

R3-3-1110: The Department proposes to make this rule more useful by include criteria for determining conditions that a permit could be denied and the process for an appeal.

Appendix A: The Department proposes to amend Appendix A, by input received from the scientific community and subject matter experts to ensure that the rule contains correct taxonomy and plants are properly categorized based on current native plant status.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No study was conducted

9. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

The rulemaking does not diminish any previous authority of a political subdivision of this state.

10. A summary of the economic, small business, and consumer impact:

The Department's intent in proposing the amendments to Articles 11, listed in Section 5 of this notice, is to reduce or ameliorate regulatory burdens on the public, while achieving the same regulatory objective as indicated in the Environmental Services Division's five-year rule review. Proposed amendments throughout the Chapter will align with current practices, update outdated references, and provide additional provisions to coincide with current Arizona native plant issues. Other changes are intended to make technical changes, update the current list of protected native plants, update out dated taxonomy where needed, and overall reduce the regulatory burden by making the rules clearer and more concise. The Department anticipates the rulemaking will result in an overall benefit to the protection of Arizona native plants, to the regulated community, and the public. The Department has determined the rulemaking will not require any new full-time employees. The rulemaking could result in additional costs for the regulated community, but those costs are primarily associated to those that commit a violation of the rules of this Chapter and an increase of the cost from \$25 to \$35 to acquire all "Notices of Intent to Clear" as they are filed. Additionally, the fee for native plant education is increased from \$10 to \$14 for a native plant law education seminar and \$25 to \$35 for a court ordered native plant law education seminar. These increases are based on the increase in administrative costs since 2008 and do not exceed the percentage of change in the average consumer price index as published by the U.S. Department of Labor, Bureau of Labor Statistics, pursuant to A.R.S. § 41-1008(A)(3). Changes may prove to benefit Arizona native plant salvage operations by providing a clearer information for land developers, property owners, and State land managers on when a protected native plant can be salvaged instead of being destroyed. There will also be an additional saving to the regulated community by eliminating the requirement of the use of the \$0.15 seal for Arizona protected native plants, since the associated protected native plant tag that is purchased, also serves the function of sealing the native plant cord. The Department has determined there is no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. The Department will not incur any additional costs associated with the rulemaking since these programs currently exist and the intent is to only clarify and improve those processes. Therefore, the Department has determined that the benefits of the rulemaking outweigh any costs.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Based on input provided during the open comment period, two minor changes were made that clarified ambiguous language and will benefit the regulated community. No supplemental notice was filed since these changes did not substantively change the intent of the rule.

1) In R3-3-1102(B), the proposed language: "Notice is given to the Department within the following minimum time periods, starting from the time the notice was given or from when confirmation is received from the department:" has been amended to state "Notice is given to the Department within the following minimum time periods, starting from the time the notice was given to the Department:"

2) In R3-3-1103(B)(6), the proposed language: "In situations where 1 through 5 above are not possible, the destruction or clearing of the land may begin 60 days after the notice, as prescribed in subsection (A), has been acknowledged by the Department." has been amended to state "In situations where 1 through 5 above are not possible, the destruction or clearing of the land may begin 60 days after the notice, as prescribed in subsection (A), has been provided to the Department."

Based on feedback provided by the Governor's Regulatory Review Council, in order to comply with A.R.S. § 41-1008(A)(3) the fee increases in rule R3-3-1102(C) and R3-3-1106(D)(1) and (2) (previously R3-3-1109(B)(1) and (2)), were reduced. No supplemental notice was filed since these changes did not substantively change the intent of the rules.

In R3-3-1102(C): the proposed language changes the payment to be included on a list to receive any Notice of Intent to Clear from \$50 annually to \$25 annually.

In R3-3-1106(1) and (2) the proposed language amends the payment to attend an Arizona native plant seminar or training course from \$50 to \$14; and \$65 to \$25 for court mandated native plant law education.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

One set of comments was received during the public comment period from the City of Phoenix, Office of Environmental Programs. Input was provided that there was some ambiguous language regarding when the timeframe begins when filing a notice of intent with the department in R3-3-1102(B) and R3-3-1103(B)(6), stating that it would make it difficult for a project proponent to know when their project could proceed. Alternative language was provided for consideration. The Department reviewed the comments provided by the City of Phoenix, Office of Environmental Programs and concurred with their assessment. The alternative language provided, as noted in number 11 of this Preamble, was used to clarify the ambiguous language.

13. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

A.R.S. § 3-104(F) requires the Arizona Department of Agriculture Advisory Council assist the Director of the Department on all rulemaking activities. The council shall review, advise and make recommendations before they are adopted. During the June 28, 2024 Advisory Council Meeting, council members approved the Department’s recommendations to amend the rules in Title 3, Chapter 3, Article 11.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

A general permit is used for the issuance of tags for harvest restricted native plants since it requires basic information. The permits, tags, and seals issued under A.R.S. §§ 3-906, 3-907, and Article 11 of 3 A.A.C. 3 do not qualify as a general permit under A.R.S. § 41-1037 since qualifying information and documentation, and qualifying conditions, must be satisfied prior to the issuance of the required permits, tags and seals to salvage a highly safeguarded, salvage restricted, and salvage assessed native plant.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law 16 U.S.C. § 1531 et seq., (i.e. the Endangered Species Act of 1973) applies to the subject of highly safeguarded plants in the Article. These rules are not more stringent to federal law.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact on the competitiveness of business in this state to the impact on business in other states:

No analysis was conducted.

14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The Endangered Species Act of 1973, 16 U.S.C. §1531 et seq. in appendix A, under the category of highly safeguarded native plant.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 3. DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION**

ARTICLE 11. ARIZONA NATIVE PLANTS

Section

- R3-3-1101. Definitions
- R3-3-1102. Protected Native Plant Destruction by a Private Landowner
- R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency
- R3-3-1104. Protected Native Plant ~~Permits; Tags; Seals; Fees~~ Permits
- R3-3-1105. Scientific Permits; Noncommercial Salvage Permits
- R3-3-1106. ~~Protected Native Plant Survey; Fee~~ Protected Native Plant Program Fees
- R3-3-1107. ~~Movement Permits;~~ Tags, Seals, and Cord Use
- R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants
- R3-3-1109. ~~Arizona Native Plant Law Education~~ Repealed
- R3-3-1110. Permit Denial
- Appendix A. Protected Native Plants by Category

ARTICLE 11. ARIZONA NATIVE PLANTS

R3-3-1101. Definitions

In addition to the definitions in A.R.S. § 3-901, the following terms apply to this Article:

~~“Agent” means a person authorized to manage, represent, and act for a landowner.~~

“Authorized representative” means a project manager, project engineer, sub-contractor, or similar that is identified by the landowner on a Notice of Intent to Clear form, or amended form, as a person that has authorization from the landowner to salvage protected native plants on property owned or managed by the landowner.

“Certificate of inspection for interstate shipments” means a certificate to transport protected native plants out of the state.

“Collection” means a collection of one or more highly safeguarded native plants that are preserved, catalogued, and managed for the purpose of preserving that species of an Arizona native plant.

“Conservation” means prevention of exploitation, damage, destruction, or neglect of native plants while helping to ensure continued public use.

“Cord” means a specific type string or small rope issued by the Department for attaching tags and seals to protected native plants.

“Cord of wood” means a measurement of firewood equal to 128 cubic feet.

“Department” means the Arizona Department of Agriculture.

“Destroy” means to cause the death or irreparable damage of any protected native plant.

“Harvest restricted native plant permit” means a permit required to remove the by-products, fibers, or wood from a native plant listed in Appendix A, subsection (D).

“Highly safeguarded native plant” (A.R.S. § 3-903(B)(1)) means a group of plants that are threatened for survival or are in danger of extinction. Including the native plants listed in Appendix A, subsection (A) and those listed in the Endangered Species Act. The plants in this category may only be salvaged with the use of scientific or non-commercial salvage permits, tags and seals.

“Landowner” means a person who holds title to a parcel of land.

“Noncommercial salvage permit” means a permit required for the noncommercial salvage of a highly safeguarded native plant.

“Jurisdiction” means the applicability of the Arizona native plant laws of A.R.S. §§ 3-901 through 3-934 that apply within the boundaries of the state, except on designated Indian lands and federal lands. Federal land managers are to be cognizant of E.O. 13132 (64 FR 43255, August 10, 1999) when considering native plants on federal land. State law governs in areas within local political subdivision boundaries but does not prohibit more stringent native plant regulations or ordinances adopted by the political subdivision. Where the two are in conflict, state laws and rules supersede, or if complimentary, the most stringent of the two laws and rules shall apply.

“Original growing site” means a place where a plant is growing wild and is rooted to the ground or any property owned by the same landowner where a protected native plant is relocated or transplanted without an original transportation permit.

“Permittee” means any person who is issued a permit by the Department for removing and transporting protected native plants.

“Protected native plant” means any living plant or plant part listed in Appendix A and growing wild in Arizona.

“Protected native plant tag” means a tag issued by the Department to identify the lawful removal of a protected native plant, other than a saguaro cactus, from its original growing site.

“Saguaro tag” means a tag issued by the Department to identify a saguaro cactus being lawfully moved.

“Salvage” means to remove a protected native plant that would otherwise be destroyed in the land development process or other actions that would threaten the survival of the species of plant.

“Salvage assessed native plant” means plants categorized in Appendix A, subsection (C) of this Article, as described by A.R.S. § 3-903(B)(3), that are to be afforded the exclusive protections, involving the use of salvage tags and annual salvage permits, provided in this Article. The category contains native plants that are not subject to theft or vandalism, but nevertheless have salvage value.

“Salvage assessed native plant permit” means a permit required to remove a native plant listed in Appendix A, subsection (C).

“Salvage restricted native plant” means plants categorized in Appendix A, subsection (B) of this Article, as described by A.R.S. § 3-903(B)(2), that are to be afforded the exclusive protections involving the use of salvage permits, tags, and seals provided in this Article. This category includes native plants that may be salvaged and transplanted but are nevertheless subject to high potential for damage by theft or vandalism.

“Salvage restricted native plant permit” means a permit required to remove a native plant listed in Appendix A, subsection (B).

“Scientific permit” means a permit required to remove a native plant for a controlled experimental project by a qualified person.

“Securely tie” means to fasten in a tight and secure manner to prevent the removal of tags, seals, or cord for reuse.

“Small Native Plant” means any protected plant eight inches in height or less.

“State agency” has the same meaning as in A.R.S. § 3-901(3) it contains “any agency or political subdivision of the state.”

“Survey” means the process by which a parcel of land is examined for the presence of protected native plants. A simple survey determines only whether protected native plants are present. A complete survey establishes the kind and number of each species present.

“Wood receipt” means a receipt issued by the Department to identify the lawful removal of a protected native plant harvested for fuel, being removed from its original growing site.

R3-3-1102. Protected Native Plant Destruction by a Private Landowner

A. Notice of intent.

1. Before a protected native plant is destroyed, the private landowner shall provide notification of intended destruction, which shall include the following information to the Department on a form obtained from the Department:
 - a. Name, address, email address, and telephone number of the landowner;
 - b. Name, address, email address, and telephone number of the landowner’s agent, if applicable;
 - c. Valid documentation indicating land ownership, including but not limited to a parcel identification number, tax assessment, or deed;
 - d. Legal description, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
 - e. Earliest date of plant destruction; and
 - f. Landowner’s intent for the disposal or salvage of protected native plants on the land.
2. A landowner intending to destroy protected native plants on an area of less than one acre may submit the information required in subsection (A)(1) to the Department verbally.

B. A landowner shall not destroy a protected native plant until:

1. The landowner receives a written confirmation ~~notice~~ from the Department that the notice has been received, and
2. Notice is given to the Department within the following minimum time periods, starting from the time the notice was given to the Department:
 - a. Twenty days before the plants are destroyed over an area of less than one acre.
 - b. Thirty days before the plants are destroyed over an area of one acre or more but less than 40 acres.
 - c. Sixty days before the plants are destroyed over an area of 40 acres or more.

- C. The Department shall provide a salvage operator or other interested person with a copy of a notice of intent submitted under this Section upon receipt of the private landowner's name, address, telephone number, and payment of an annual \$25 nonrefundable fee compile a list of names and contact information of salvagers or persons interested in native plant salvage. The persons on the list shall receive notifications of potential salvage opportunities. To be placed on the list, the salvager or other interested person shall submit to the Department's licensing section the salvager or interested person's name, email address, mailing address, telephone number, and payment of an annual \$35 nonrefundable fee. The Department shall send to all listed salvagers and interested persons an electronic copy of notices of intent ("NOI"), including those that indicate they are not allowing salvage. The electronic copy of the NOIs shall be sent out daily the next business day after the NOIs are received.
- D. A notice of intent is not required for the destruction of native plants on individually owned residential property of ten acres or less where initial building construction has already occurred.

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

- A. A state agency intending to remove or destroy protected native plants shall notify the Department, under A.R.S. § 3-905, and shall propose a method of disposal from the following list:
1. The plants may be sold at a public auction;
 2. The plants may be relocated or transported to a different location on the same property or to another property owned by the state, without obtaining a permit;
 3. The plants may be donated to nonprofit organizations as provided in A.R.S. § 3-916;
 4. The plants may be donated to another state agency or political subdivision, without obtaining a permit; or
 5. The plants may be salvaged or harvested by a member of the general public or a commercial dealer, if the person holds a permit as provided under A.R.S. § 3-906 or 3-907.
- A. A state agency intending to remove or destroy protected native plants, over an area of state land exceeding one-quarter acre, the state agency shall notify the Department in writing at least sixty days before the plants are removed or destroyed with the following information on a form obtained from the Department:
1. Legal description, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
 2. A description of the number and type of plants to be removed or destroyed;
 2. Earliest date of plant destruction; and
 3. The state agency's intent for the disposal or salvage of protected native plants on the land.
- B. A state agency intending to remove or destroy protected native plants shall propose a method of disposal or transfer from the following list:
1. Relocated or transported to a different location on the same property or to another property owned by the state, without obtaining a permit;
 2. Donated to another state agency or political subdivision, by obtaining a non-commercial salvage permit; or
 3. Donated to nonprofit organizations as provided in A.R.S. § 3-916;
 4. Salvaged or harvested by a member of the general public or a commercial dealer, if the person holds a salvage permit issued pursuant to R3-3-1104.
 5. Sold at a public auction, with appropriate cord sealing tags purchased and utilized by the buyer pursuant to R3-3-1106(B) and R3-3-1107;
 6. In situations where 1 through 5 above are not possible, the destruction or clearing of the land may begin 60 days after the notice, as prescribed in subsection (A), has been provided to the Department.
- C. Any action by a state agency must occur within one year of the date disclosed in the notice.
- D. A state agency filing a notice, as prescribed in subsection (A), to remove protected native plants are exempt from fees established for salvaged plants.
- ~~B-E.~~ If Notwithstanding subsection (B)(1) through (5), if the plants are highly safeguarded native plants, they shall first be made available to the holder of a valid scientific permit or a noncommercial salvage permit, by obtaining a current list of scientific permit and non-commercial salvage permit holders from the Department.
- E. Pre-notification of intent shall not be required in an emergency, where imminent threat to the safety of a person or animal, or damage to personal or state property exists if protected native plants are not removed or destroyed by the state agency, provided the notice of intent is filed in conjunction with the removal or destruction of the native plant.

R3-3-1104. Protected Native Plant ~~Permits, Tags, Seals, Fees~~ Permits

- A. A person shall not collect, transport, possess, sell, offer for sale, dispose, or salvage protected native plants unless that person is 18 years of age or older and possesses an appropriate permit.
- B. Salvage restricted native plant permits. An applicant shall submit the following information to the Department on a form obtained from the Department, as applicable.
1. An applicant for a salvage restricted native plant permit shall submit the following information to the Department on a form obtained from the Department, as applicable, along with any applicable fees outlined in R3-3-1106:
 - ~~1-a.~~ Name, business name, address, email address, telephone number, Social Security number or tax identification number, and signature of the applicant;
 - ~~2-b.~~ Name and number of plants to be removed;
 - ~~3-c.~~ Purpose of the plant removal;
 - ~~4-d.~~ Whether the applicant has a conviction for a violation of a state or federal statute regarding the protection of native plants within the previous five years;
 5. Except for salvage assessed native plants:
 - ~~a-c.~~ Name, address, email address, telephone number, and signature of the landowner where the plants will be removed;
 - ~~b-f.~~ Location of the permitted site and size of acreage;

- e.g. Destination address where the plants will be transplanted or temporarily held before being sold, gifted, or otherwise distributed to a permanent location;
 - d.h. Legal and physical description of the location of the original growing site; and
 - e.i. Parcel identification number for the permitted site or other documents proving land ownership.
2. Salvage restricted native plant permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.
 3. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Plants propagated or cultivated by human beings; or
 - b. Native plants collected or salvaged by a homeowners' association or any other community based organization if the plants are relocated in the community.
- C. Permit fees.**
1. A person removing and transporting protected native plants shall submit the following applicable fee to the Department with the permit application:
 - a. Salvage assessed native plant permit, annual use, \$35;
 - b. Harvest restricted native plant permit, annual use, \$35;
 - e. All other native plant permits, one time use, \$7;
 - d. Certificate of inspection for interstate shipments, \$15.
 2. Exemptions. Protected native plants are exempt from fees if:
 - a. The protected native plants intended for personal use by a landowner are taken from one piece of land owned by the landowner to another piece of land also owned by the landowner, remain on the property of the landowner, and are not sold or offered for sale;
 - b. The protected native plants are collected for scientific purposes; or
 - e. A landowner donates the protected native plant to a scientific, educational, or charitable institution.
- D. Tag and harvesting fees.**
1. Any person obtaining a saguaro tag or other protected native plant tag or receipt shall submit the following applicable fee to the Department at the time a tag is obtained:
 - a. Saguaro, \$8 per plant;
 - b. Trees cut for firewood and listed in the harvest restricted category, \$6 per cord of wood;
 - e. Small native plant, \$.50 per plant;
 - d. Any other protected native plant referenced in A.R.S. § 3-903(B) and (C) and listed in Appendix A, \$6 per plant.
 2. The fee for harvesting nolina or yucca parts is \$6 per ton. Payment shall be made to the Department in the following manner:
 - a. Unprocessed nolina or yucca fiber shall be weighed on a state certified bonded scale; and
 - b. The harvester shall submit payment and weight certificates to the Department no later than the tenth day of the month following each harvest.
- E. Seal fees.** A person obtaining a seal shall submit a \$.15 per plant fee to the Department at the time a seal is obtained.
- F. Salvage assessed native plant permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.**
- C. Salvage assessed native plant permits.**
1. An applicant for a salvage assessed native plant permit shall submit the following information to the Department on a form obtained from the Department, as applicable, along with any applicable fees outlined in R3-3-1106:
 - a. Name, business name, address, email address, telephone number, and signature of the applicant;
 - b. Names of the salvage assessed plants to be collected.
 2. Salvage assessed native plant permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.
 3. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Plants propagated or cultivated by human beings; or
 - b. Native plants collected or salvaged by a homeowners' association or any other community based organization if the plants are relocated in the community.
- D. Harvest restricted native plant permit and receipts.**
1. Any person harvesting the wood, fiber, or by-product of a plant listed in subsection (D) of Appendix A of more than one-hundred pounds, or more than two cords of wood, shall apply for a harvest restricted permit and receipts by submitting the following information to the Department, on a form obtained from the Department, along with any applicable fees outlined in R3-3-1106(C)(2):
 - a. Name, address, email address and telephone number of the applicant applying for the permit;
 - b. The legal land description where the harvesting will take place;
 - c. For wood products, the number of cords to be collected;
 - d. For Nolina or Yucca fiber, the numbers of pounds to be collected;
 - e. Name, address, email address, telephone number, and signature of land owner(s)
 2. Permits and unused receipts issued under this subsection are non-transferable and must be in the possession of the permit holder during harvesting and transport.
 3. Receipts for harvest restricted materials that are sold must be transferred to a purchaser as proof of ownership.
 4. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Material harvested from lands managed by the federal government provided a person is in possession of a valid permit issued by the federal land management agency.
 - b. Material harvested with written permission from a private land owner or tenant, from other than state-owned land or other public land, and;

- i. Is one-hundred pounds or less for Yucca or Nolina fiber; or
 - ii. Is two cords or less of wood.
 - c. The use of dead wood for campfires or cooking.
 - d. Dead harvest restricted plants, collected by a land owner or tenant.
- E. Scientific Permit.** In addition to the requirements of A.A.C. R3-3-1105(A), the following application requirements apply:
1. An applicant shall submit the following information to the Department on a form obtained from the Department, along with any applicable fees outlined in R3-3-1106:
 - a. Name, address, email address and telephone number of the company or research facility applying for the permit;
 - b. Name, title and experience of the person conducting the research project;
 - c. Purpose and intent of the research project;
 - d. Controls to be used;
 - e. Variables to be considered;
 - f. Time-frame for the project;
 - g. Anticipated results and plans for publication;
 - h. Reports and recordkeeping that will be used to monitor the project;
 - i. Project funding source;
 - j. Funding of the company or research facility;
 - k. Written authorization from the landowner for collection of the plants;
 - l. Date of the application; and
 - m. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
 2. A scientific permit is valid for the calendar year in which it is issued.
 3. A scientific permit holder may amend their permit anytime by submitting the updated information to the Department.
 4. An applicant may also submit proof of a current scientific permit issued by a federal agency or state political subdivision and any additional information to the requirements of R3-3-1104(E)(1) not provided in the existing scientific permit.
- F. Non-commercial Salvage Permit.** In addition to the requirements of A.A.C. R3-3-1105(B), the following application requirements apply:
1. An applicant shall submit the following information to the Department, on a form obtained from the Department, along with any applicable fees outlined in R3-3-1106:
 - a. Name, address, email address and telephone number of the applicant applying for the permit;
 - b. Proposed relocation site for the plants;
 - c. Written authorization from the landowner for collection of the plants;
 - d. The number, species, and description of the plants being salvaged;
 - e. Date of the application; and
 - f. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
 2. A non-commercial salvage permit is valid only for the transportation and the transplantation of the identified native plants indicated on the permit application. A non-commercial salvage permit holder may amend their permit anytime by submitting the updated information to the Department with written authorization from the landowner.
 3. A non-commercial salvage permit is valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.
 4. Plants propagated or cultivated by human beings are exempt from these requirements.
- G. Movement Permit.** In addition to the saguaro tag obtained pursuant to R3-3-1106(C)(1)(a), any person moving or salvaging a saguaro cactus over four feet tall from a location other than its original growing location in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the saguaro cactus is being moved shall provide the following information on the permit application, unless the applicant maintains a record of the original permit or verifies the Department has a record of a previous legal movement of the cactus by the applicant. Saguaro cactus that are propagated or cultivated by humans are exempt from this requirement.
1. The name, mailing address, email address, telephone number, and signature of the landowner;
 2. The address or parcel identification number where the saguaro cactus is located;
 3. The name, mailing address, email address, and telephone number of the receiver;
 4. The name, mailing address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The parcel identification number of the property where the saguaro cactus is being moved; and
 7. The date of the application.
- H. Movement of protected native plants obtained outside Arizona.**
1. Any person moving a protected native plant obtained outside Arizona and transporting and planting it within the state shall declare the protected native plant at the nearest Department office location during normal business hours, office locations can be found by calling 602-542-3578 or by visiting the Department's website at <https://agriculture.az.gov/plantsproduce/native-plants>.
 2. To ensure compliance with A.A.C. R3-4-239, shipments originating from an area under quarantine for imported fire ants, the Department shall place the protected native plant under quarantine and direct the shipment to a certified quarantine holding area for inspection.
 3. After the plants have been declared, permit and seal fees have been paid, the permitting office shall issue a Movement Permit and appropriate number of seals.

R3-3-1105. Scientific Permits; Noncommercial Salvage Permits**A. Scientific Permit**

1. A person shall not collect, destroy, harm, or remove any highly safeguarded or other protected native plants for a research project unless that person holds a scientific permit issued pursuant to R3-3-1104(E).

- a. The removal and movement of the native plants shall be accomplished by a person experienced in native plant removal and transplantation
 - i. Whenever possible, the permittee shall take specimens in such a way as to not reduce the population by retrieving minimal tissue, leaving the roots intact for perennial plants or utilizing other scientifically acceptable methods for the protection of the environment and remaining native plants.
 - ii. If not already required by another agency or institution, and whenever possible, if the permittee takes multiple specimens, the permittee shall deposit at least one specimen at an Arizona university plant conservatory. If it is not possible to deposit a specimen at an Arizona university plant conservatory, the permittee shall provide the justification to the Department for noncompliance with this provision.
 2. An applicant shall submit the following information to the Department on a form obtained from the Department:
 - a. Name, address, and telephone number of the company or research facility applying for the permit;
 - b. Name, title and experience of the person conducting the research project;
 - c. Purpose and intent of the research project;
 - d. Controls to be used;
 - e. Variables to be considered;
 - f. Time frame for the project;
 - g. Anticipated results and plans for publication;
 - h. Reports and recordkeeping that will be used to monitor the project;
 - i. Project funding source;
 - j. Funding of the company or research facility;
 - k. Written authorization from the landowner for collection of the plants;
 - l. Date of the application;
 - m. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests; and
 - n. Tax identification number, or if applicant is an individual, a Social Security number.
 - 3.2. A scientific permit shall be issued if the applicant provides documentation that demonstrates the following:
 - a. A plan, pre-approved by the landowner, to restore the removal site to a natural appearance;
 - b. The removal and movement of the native plants shall be accomplished by a person experienced in native plant removal and transplantation;
 - c. The native plants used in the project shall remain accessible to the Department;
 - d. The ecology of the project site is beneficial to the growth of the specific plants in the project ~~if practical~~;
 - e. Arrangements exist for a suitable permanent planting site for the surviving plants after the project's completion; and
 - f. Description of plant disposition and research hypothesis.
 4. ~~A scientific permit is valid for the calendar year in which it is issued.~~
 3. In addition to the requirements listed in subsection (A)(2), the following requirements apply to highly safeguarded native plants:
 - a. Permits may be issued only for collection for scientific purposes of highly safeguarded native plants whose existence or location is threatened by intended destruction or a change in land usage, and
 - b. If the permit may enhance the survival of the affected species.
- B. Noncommercial salvage permit:**
1. Highly safeguarded native plants may only be collected for conservation by a person holding a noncommercial salvage permit issued pursuant to R3-3-1104(F).
 2. ~~An applicant shall submit the following information to the Department, on a form obtained from the Department:~~
 - a. ~~Name, address, and telephone number of the applicant applying for the permit;~~
 - b. ~~Proposed relocation site for the plants;~~
 - c. ~~Written authorization from the landowner for collection of the plants;~~
 - d. ~~Date of the application; and~~
 - e. ~~Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.~~
 - 3.2. A noncommercial salvage permit shall be issued if all of the following conditions are met through documentation provided to the Department:
 - a. The native plants used in the project shall be accessible to the Department after transplant, and
 - b. The relocation site is beneficial to the growth of the specific plants in the project.
 4. ~~A noncommercial salvage permit is valid only for the transportation and the transplantation of the particular native plant.~~
 3. In addition to the requirements listed in subsection (B)(2), the following requirements apply to highly safeguarded native plants:
 - a. Permits may be issued only for collection for noncommercial salvage purposes of highly safeguarded native plants whose existence or location is threatened by intended destruction or a change in land usage, and
 - b. If the permit may enhance the survival of the affected species.
- R3-3-1106. ~~Protected Native Plant Survey; Fee Protected Native Plant Program Fees~~**
- A.** Upon request, the Department may conduct a native plant survey. Upon completion, the Department shall notify the individual who made the request of:
1. The date the survey was performed;
 2. The amount of the survey fee payable to the Department;
 3. The name of Department personnel performing the survey;
 4. Upon payment, the survey results including the names and numbers of protected native plants.
- B.** A person who requests a native plant survey shall pay the survey fee to the Department within 30 days from the date of the notification. The survey fee shall be based on time and travel expenses, except that no fee shall be charged for a determination of whether protected species exist on the land.
- A.** Permit fees.

1. In addition to any applicable fees for interstate shipment requiring a single shipment nursery stock inspection certification issued pursuant to R3-4-301(D), a person removing and transporting protected native plants shall submit the following applicable fee to the Department with the permit application:
 - a. Salvage assessed native plant permit, annual use, \$35;
 - b. Harvest restricted native plant permit, annual use, \$35;
 - d. Certificate of inspection for interstate shipments, \$15;
 - c. All other native plant permits, one-time use, \$7.
 2. Exemptions. Protected native plants are exempt from fees if:
 - a. The protected native plants intended for personal use by a landowner are taken from one piece of land owned by the landowner to another piece of land also owned by the landowner, remain on the property of the landowner, and are not sold or offered for sale;
 - b. The protected native plants are collected for scientific purposes;
 - c. A landowner donates the protected native plant to a scientific, educational, or charitable institution.
 - d. Exempted pursuant to A.R.S. § 3-915;
 - e. Donated to a home-owners association or nonprofit organizations as provided in A.R.S. § 3-916; or
 - f. Donated to a state agency or political subdivision, under a non-commercial salvage permit.
- B. Tag and harvesting fees.**
1. Any person obtaining a saguaro tag or other protected native plant tag or receipt shall submit the following applicable fee to the Department at the time a tag is obtained:
 - a. Saguaro, \$8 per plant;
 - b. Trees cut for wood and listed in the harvest restricted category, \$6 per cord of wood;
 - c. Small native plant, \$.50 per plant;
 - d. Any other protected native plant referenced in A.R.S. § 3-903(B) and (C) and listed in Appendix A, \$6 per plant.
 2. The fee for harvesting nolina or yucca parts is \$6 per ton. Payment shall be made to the Department in the following manner:
 - a. Unprocessed nolina or yucca fiber shall be weighed on a state-certified bonded scale; and
 - b. The harvester shall submit payment and weight certificates to the Department no later than the tenth day of the month following each harvest.
- C. Seal fees. A person obtaining a seal shall submit a \$.15 per plant fee to the Department at the time a seal is obtained.**
- D. Arizona native plant law Education. In addition to the following fees, charges for printed materials or pamphlets shall be assessed based upon printing and mailing costs:**
1. A person attending a seminar or training course on Arizona native plant law shall pay a nonrefundable fee of \$14 to the Department before attending the class.
 2. A person convicted of violating Arizona native plant laws and ordered by a court to attend a native plant educational class shall pay a nonrefundable fee of \$35 to the Department before attending the class. The Department shall provide written confirmation of satisfactory completion to a person ordered by a court to attend a class.

R3-3-1107. Movement Permits; Tags, Seals, and Cord Use

- A. Any person moving a protected native plant, except a saguaro cactus, previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the plant is being moved shall provide the following information on the permit application:**
1. The name, telephone number, and signature of the landowner;
 2. The location of the plant;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The tax parcel identification number; and
 7. The date of the application.
- B. Any person moving a saguaro cactus over four feet tall previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the saguaro cactus is being moved shall provide the following information on the permit application, unless the applicant maintains a record of the original permit or verifies the Department has a record of a previous legal movement of the cactus by the applicant:**
1. The name, telephone number, and signature of the landowner;
 2. The address where the saguaro cactus is located;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The tax parcel identification number of the property where the saguaro cactus is being moved; and
 7. The date of the application.
- C. Movement of protected native plants obtained outside Arizona:**
1. Any person moving a protected native plant obtained outside Arizona and transporting and planting it within the state shall declare the protected native plant at the agricultural inspection station nearest the port of entry. The Department shall place the protected native plant under "Warning Hold" to the nearest permitting office.
 2. If an agricultural station is not in operation at the port of entry, the person shall declare the protected native plant at the nearest permitting office during normal office hours.
 3. After the plants have been declared, the permitting office shall issue a Movement Permit and seal.
- D. Any Seals. Any person moving importing protected native plants shall obtain the following import seals from the Department and securely attach the appropriate seal directly to each protected native plant: plant.**

1. Protected native plant seals identify protected native plants, except saguaro cacti, that will be moved from locations that are not the original growing sites.
2. Imported seals identify all imported protected native plants.

E.B. Tag, seal, Tag and cord attachment.

1. A permittee shall attach a cord sealing tag to each protected native plant taken from its original growing site, using cord provided by the Department, before transport. No other type of rope, string, twine, or wire is allowed.
2. The cord shall be securely tied around the plant, and the cord sealing tag ~~attached~~ placed directly over the knot in the cord and the ends pressed firmly together sealing the knot so that it cannot be removed without breaking the seal tag or cutting the cord.
3. ~~The tag shall be placed directly over the knot in the cord and the ends pressed firmly together sealing the knot so that it cannot be removed for reuse.~~
4. ~~The protected native plant seal shall be placed directly over the knot and snapped firmly closed, sealing the knot.~~
5. ~~The imported seal shall be attached directly to the plant.~~
- 6.3. Upon loading the plant, every effort shall be made to allow visibility of the tag during transport.

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants**A. Salvage Assessed Native Plants.**

1. A permittee shall maintain a record of each protected native plant removed under an annual permit for two years from the date of each transaction and allow Department inspection of the records during normal business hours. The transaction record shall include the date salvage ~~restricted~~ assessed protected native plants were removed, ~~the location where the plants were taken from, the location where the plants were replanted,~~ and the permit and tag numbers.
2. ~~A permittee shall maintain a record of written permission granted by a landowner for the collection of salvage assessed native plants.~~
- 2.3. Annually, by January 31, a permittee shall submit to the Department a copy of each transaction record for the prior calendar year.

B. Harvest Restricted Native Plants. A permittee shall submit to the Department by the tenth day of each month the transaction records for the previous month, or a written statement that no transactions were conducted for that month.**R3-3-1109. Arizona Native Plant Law Education Repealed****A.** The Department may schedule seminars and training courses on an as-needed basis.**B.** In addition to the following fees, charges for printed materials or pamphlets shall be assessed based upon printing and mailing costs:

1. A person attending a seminar or training course on Arizona native plant law shall pay a nonrefundable fee of \$10 to the Department before attending the class.
2. A person convicted of violating Arizona native plant laws and ordered by a court to attend a native plant educational class shall pay a nonrefundable fee of \$25 to the Department before attending the class. The Department shall provide written confirmation of satisfactory completion to a person ordered by a court to attend a class.

R3-3-1110. Permit Denial

Upon notice of denial of a permit, an applicant may request, in writing, that the Department provide an administrative hearing under A.R.S. Title 41, Chapter 6, Article 10, to appeal the denial.

A. A person that is found in violation of A.R.S. § 3-908 or the rules of this Article shall be denied a permit, tag, or seal applied for or issued, pursuant to this Article.**B.** Upon notice of denial of a permit, an applicant may request, in writing, that the Department provide an administrative hearing under A.R.S. Title 41, Chapter 6, Article 10, to appeal the denial.**Appendix A. Protected Native Plants by Category****A.** Highly safeguarded native plants as prescribed in A.R.S. § 3-903(B)(1), for which removal is not allowed except as provided in R3-3-1105:**AGAVACEAE** Agave Family

Agave arizonica Gentry & Weber – Arizona agave
Agave delamateri Hodgson & Slauson
Agave murpheyi Gibson – Hohokam agave
Agave parviflora Torr. – Santa Cruz striped agave, Small flowered agave
Agave phillipsiana Hodgson
Agave schottii Engelm. var. *treleasei* (Toumey) Kearney & Peebles

APIACEAE Parsley Family. [– Umbelliferae]

Lilaeopsis schaffneriana (Schlecht.) Coult. & Rose ssp. *recurva* (A. W. Hill) Affolter – Cienega false rush, Huachuca water umbel.
 Syn.: *Lilaeopsis recurva* A. W. Hill

APOCYNACEAE Dogbane Family

Amsonia kearneyana Woods. – Kearney's bluestar
Cycladenia humilis Benth. var. *jonesii* (Eastw.) Welsh & Atwood – Jones' eyeladenia

ASCLEPIADACEAE Milkweed Family

Asclepias welshii N. & P. Holmgren – Welsh's milkweed

ASTERACEAE Sunflower Family [– Compositae]

Erigeron lemmonii Gray – Lemmon fleabane
Erigeron rhizomatus Cronquist – Zuni fleabane
Senecio franciscanus Greene – San Francisco Peaks groundsel
Senecio huachucae Gray – Huachuca groundsel

BURSERACEAE Torch Wood Family

- Bursera fagaroides* (H.B.K.) Engler – Fragrant bursera
- CACTACEAE Cactus Family
- Carnegiea gigantea* (Engelm.) Britt. & Rose – Saguaro – ‘Crested’ or ‘Fan-top’ form
Syn.: *Cereus giganteus* Engelm.
- Coryphantha recurvata* (Engelm.) Britt. & Rose – Golden-crested beehive cactus
Syn.: *Mammillaria recurvata* Engelm.
- Coryphantha robbinsorum* (W. H. Earle) A. Zimmerman – Cochise pincushion cactus, Robbin’s cory cactus.
Syn.: *Cochisea robbinsorum* W.H. Earle
- Coryphantha scheeri* (Kuntze) L. Benson var. *robustispina* (Schott) L. Benson – Scheer’s strong-spined cory cactus.
Syn.: *Mammillaria robustispina* Schott
- Echinocactus horizontalis* Lemaire var. *nicholii* L. Benson – Nichol’s Turk’s head cactus
- Echinocereus triglochidiatus* Engelm. var. *arizonicus* (Rose ex Oreutt) L. Benson – Arizona hedgehog cactus
- Echinomastus erectocentrus* (Coult.) Britt. & Rose var. *acunensis* (W.T. Marshall) L. Benson – Acuna cactus
Syn.: *Neolloydia erectocentra* (Coult.) L. Benson var. *acunensis* (W. T. Marshall) L. Benson
- Pedioeactus bradyi* L. Benson – Brady’s pincushion cactus
- Pedioeactus paradinei* B. W. Benson – Paradine plains cactus
- Pedioeactus peeblesianus* (Croizat) L. Benson var. *fiekeiseniae* L. Benson
- Pedioeactus peeblesianus* (Croizat) L. Benson var. *peeblesianus* Peebles’ Navajo cactus, Navajo plains cactus
Syn.: *Navajoa peeblesiana* Croizat
- Pedioeactus sileri* (Engelm.) L. Benson – Siler pincushion cactus
Syn.: *Utahia sileri* (Engelm.) Britt. & Rose
- COCHLOSPERMACEAE Cochlospermum Family
- Amoreuxia gonzalezii* Sprague & Riley
- CYPERACEAE Sedge Family
- Carex specuicola* J. T. Howell – Navajo sedge
- FABACEAE Pea Family [–Leguminosae]
- Astragalus cremnophylax* Barneby var. *cremnophylax* Sentry milk-vetch
- Astragalus holmgreniorum* Barneby – Holmgren milk-vetch
- Dalea tentaculoides* Gentry – Gentry indigo bush
- LENNOACEAE Lennea Family
- Pholisma arenarium* Nutt. – Sealy-stemmed sand plant
- Pholisma sonorae* (Torr. ex Gray) Yatskievych – Sandfood, sandroot
Syn.: *Ammobroma sonorae* Torr. ex Gray
- LILIACEAE Lily Family
- Allium gooddingii* Ownbey – Goodding’s onion
- ORCHIDACEAE Orchid Family
- Cypripedium calceolus* L. var. *pubescens* (Willd.) Correll – Yellow lady’s slipper
- Hexaletris warnockii* Ames & Correll – Texas purple spike
- Spiranthes delitescens* C. Sheviak
- POACEAE Grass Family [–Gramineae]
- Puccinellia parishii* A.S. Hitchc. – Parish alkali grass
- POLYGONACEAE Buckwheat Family
- Rumex orthocentrus* Rech. f.
- PSILOTACEAE Psilotum Family
- Psilotum nudum* (L.) Beauv. – Bush Moss, Whisk Fern
- RANUNCULACEAE Buttercup Family
- Cimicifuga arizonica* Wats. – Arizona bugbane
- Clematis hirsutissima* Pursh var. *arizonica* (Heller) Erickson – Arizona leatherflower
- ROSACEAE Rose Family
- Purshia subintegra* (Kearney) J. Hendrickson – Arizona cliffrose, Burro Creek cliffrose
Syn.: *Cowania subintegra* Kearney
- SALICACEAE Willow Family
- Salix arizonica* Dorn – Arizona willow
- SCROPHULARIACEAE Figwort Family
- Penstemon discolor* Keck – Variegated beardtongue
- Amaryllidaceae Allium gooddingii* - Goodding’s onion
- Apiaceae Eryngium sparganophyllum* - Arizona eryngo
- Apiaceae Lilaeopsis schaffneriana* ssp. *recurva* - Cienega false rush, Huachuca water umbel
- Apocynaceae Amsonia grandiflora* - Arizona bluestar
- Apocynaceae Amsonia kearneyana* - Kearney’s bluestar
- Apocynaceae Asclepias welshii* - Welsh’s milkweed
- Apocynaceae Cycladenia humilis* var. *jonesii* - Jones’ waxy dogbane
- Apocynaceae Matelea tristiflora* - Talayote
- Asparagaceae Agave x arizonica* - Arizona agave
- Asparagaceae Agave delamateri* - Tonto Basin agave
- Asparagaceae Agave murpheyi* - Hohokam agave

Asparagaceae Agave parviflora - Santa Cruz striped agave
Asparagaceae Agave phillipsiana Grand Canyon agave
Asparagaceae Agave sanpedroensis - San Pedro agave
Asparagaceae Agave schottii var. treleasei - Trelease agave
Asparagaceae Agave verdensis - Sacred Mountain agave
Asparagaceae Agave yavapaiensis - Page Springs agave
Asparagaceae Yucca kenabensis - Kanab yucca
Asteraceae Ericameria arizonica - Arizona heath-goldenrod
Asteraceae Erigeron lemmonii - Lemmon fleabane
Asteraceae Erigeron rhizomatus - Zuni fleabane
Asteraceae Packera franciscana - San Francisco Peaks groundsel
Asteraceae Pectis imberbis - Beardless chinchweed
Asteraceae Perityle spp. (except Perityle emoryi) - Rockdaisy
Asteraceae Senecio multidentatus var. huachucanus - Huachuca groundsel
Boraginaceae Oreocarya semiglabra - Smooth cryptantha
Boraginaceae Phacelia cronquistiana - Cronquist's phacelia
Cactaceae Carnegiea gigantea, crested form - Saguaro, "crested" or "fan-top"
Cactaceae Coryphantha recurvata - Golden-chested beehive cactus
Cactaceae Coryphantha robustispina ssp. robustispina - Scheer's strong-spined cory cactus
Cactaceae Coryphantha robustispina ssp. uncinata
Cactaceae Cyllindropuntia abyssi - Peach Springs cholla
Cactaceae Cyllindropuntia x campii - Camp's cholla
Cactaceae Echinocactus horizonthalonius ssp. nicholii - Nichol's Turk's head cactus
Cactaceae Echinocereus arizonicus ssp. arizonicus - Arizona hedgehog cactus
Cactaceae Echinomastus erectocentrus ssp. acunensis - Acuna cactus
Cactaceae Escobaria robbinsorum - Cochise pincushion cactus
Cactaceae Pediocactus bradyi - Brady's pincushion cactus
Cactaceae Pediocactus paradinei - Paradine plains cactus
Cactaceae Pediocactus peeblesianus - Peebles' Navajo cactus, Navajo plains cactus
Cactaceae Pediocactus sileri - Siler pincushion cactus
Cactaceae Sclerocactus sileri - House Rock Fish-Hook Cactus
Caryophyllaceae Silene rectiramea - Grand Canyon campion
Cyperaceae Carex specuicola - Navajo sedge
Fabaceae Astragalus cremnophylax var. cremnophylax - Sentry milkvetch
Fabaceae Astragalus endopterus - Sandbar milkvetch
Fabaceae Astragalus holmgreniorum - Holmgren milkvetch
Fabaceae Dalea tentaculoides - Gentry indigo bush
Fabaceae Acmispon mearnsii var. equisolenus
Lamiaceae Trichostema micranthum - Small flower bluecurls
Lennoaceae Pholisma arenarium - Scaly-stemmed sand plant
Lennoaceae Pholisma sonora - Sandfood, sandroot
Malvaceae Sphaeralcea gierischii - Gierisch's globemallow
Orchidaceae Cypripedium calceolus var. pubescens - Yellow lady's slipper
Orchidaceae Hexalectris parviflora
Orchidaceae Hexalectris warnockii - Texas purple spike
Orchidaceae Spiranthes delitescens - Canelo Hills ladies'-tresses
Orobanchaceae Castilleja mogollonica - Mogollon Indian-paintbrush
Papaveraceae Arctomecon californica - Las Vegas bearclaw-poppy
Plantaginaceae Penstemon discolor - Variegated beardtongue
Poaceae Puccinellia parishii - Parish alkali grass
Polemoniaceae Loeseliastrum franciscanum - Wupatki calico
Polygonaceae Eriogonum mortonianum - Fredonia buckwheat
Polygonaceae Rumex orthoneurus - Chiricahua Mountain wild dock
Psilotaceae Psilotum nudum - Whisk Fern, Skeleton fork fern
Ranunculaceae Cimicifuga arizonica - Arizona bugbane
Ranunculaceae Clematis hirsutissima var. arizonica - Arizona leatherflower
Rosaceae Potentilla arizonica - Garland Prairie Cinquefoil
Rosaceae Purshia x subintegra - Arizona cliffrose, Burro Creek cliffrose
Rosaceae Purshia pinkavae - Pinkava cliffrose
Salicaceae Salix arizonica - Arizona willow
Scrophulariaceae Buddleja sessiliflora - Rio Grande butterfly bush

- B. Salvage restricted native plants as prescribed in A.R.S. § 3-903(B)(2) that require a permit issued pursuant to this Article, for removal. In addition to the plants listed under Agavaceae, Cactaceae, Liliaceae, and Orchidaceae, all other species in these families are salvage restricted protected native plants:

AGAVACEAE Agave Family

Agave chrysantha Peebles

- Agave deserti* Engelm. ssp. *simplex* Gentry Desert agave
Agave mckelveyana Gentry
Agave palmeri Engelm.
Agave parryi Engelm. var. *couseii* (Engelm. ex Trel.) Kearney & Peebles
Agave parryi Engelm. var. *huachuensis* (Baker) Little ex L. Benson
 Syn.: *Agave huachuensis* Baker
Agave parryi Engelm. var. *parryi*
Agave schottii Engelm. var. *schottii*—Shindigger
Agave toumeyana Trel. ssp. *bella* (Breitung) Gentry
Agave toumeyana Trel. ssp. *toumeyana*
Agave utahensis Engelm. spp. *kaibabensis* (McKelvey) Gentry
 Syn.: *Agave kaibabensis* McKelvey
Agave utahensis Engelm. var. *utahensis*
Yucca angustissima Engelm. var. *angustissima*
Yucca angustissima Engelm. var. *kanabensis* (McKelvey) Reveal
 Syn.: *Yucca kanabensis* McKelvey
Yucca arizonica McKelvey
Yucca baccata Torr. var. *baccata*—Banana yucca
Yucca baccata Torr. var. *vespertina* McKelvey
Yucca baileyi Woot. & Standl. var. *intermedia* (McKelvey) Reveal
 Syn.: *Yucca navajoa* Webber
Yucca brevifolia Engelm. var. *brevifolia*—Joshua tree
Yucca brevifolia Engelm. var. *jaegeriana* McKelvey
Yucca elata Engelm. var. *elata*—Soaptree yucca, palmilla
Yucca elata Engelm. var. *utahensis* (McKelvey) Reveal
 Syn.: *Yucca utahensis* McKelvey
Yucca elata Engelm. var. *verdiensis* (McKelvey) Reveal
 Syn.: *Yucca verdiensis* McKelvey
Yucca harrimaniae Trel.
Yucca schidigera Roehl. —Mohave yucca, Spanish dagger
Yucca schottii Engelm. —Hairy yucca
Yucca thornberi McKelvey
Yucca whipplei Torr. var. *whipplei*—Our Lord’s candle
 Syn.: *Yucca newberryi* McKelvey
- AMARYLLIDACEAE** Amaryllis Family
Zephyranthes longifolia Hemsl. —Plains Rain Lily
- ANACARDIACEAE** Sumac Family
Rhus kearneyi Barkley—Kearney Sumac
- ARECACEAE** Palm Family [=Palmae]
Washingtonia filifera (Linden ex Andre) H. Wendl.—California fan palm
- ASTERACEAE** Sunflower Family [=Compositae]
Cirsium parryi (Gray) Petrak ssp. *mogollonicum* Schaak
Cirsium virginensis Welsh—Virgin thistle
Erigeron kusehei Eastw.—Chiricahua fleabane
Erigeron piscaticus Nesom—Fish Creek fleabane
Flaveria macdougalii Theroux, Pinkava & Keil
Perityle ajoensis Todson—Ajo rock daisy
Perityle cochisensis (Niles) Powell—Chiricahua rock daisy
Senecio quaerens Greene—Gila groundsel
- BURSERACEAE** Torch Wood Family
Bursera microphylla Gray—Elephant tree, torote
- CACTACEAE** Cactus Family
Carnegiea gigantea (Engelm.) Britt. & Rose—Saguaro
 Syn.: *Cercus giganteus* Engelm.
Coryphantha missouriensis (Sweet) Britt. & Rose
Coryphantha missouriensis (Sweet) Britt. & Rose var. *marstonii* (Clover) L. Benson
Coryphantha scheeri (Kuntze) L. Benson var. *valida* (Engelm.) L. Benson
Coryphantha strobiliformis (Poselger) var. *oreuttii* (Rose) L. Benson
Coryphantha strobiliformis (Poselger) var. *strobiliformis*
Coryphantha vivipara (Nutt.) Britt. & Rose var. *alversonii* (Coulter) L. Benson
Coryphantha vivipara (Nutt.) Britt. & Rose var. *arizonica* (Engelm.) W. T. Marshall
 Syn.: *Mammillaria arizonica* Engelm.
Coryphantha vivipara (Nutt.) Britt. & Rose var. *bisbecana* (Oreutt) L. Benson
Coryphantha vivipara (Nutt.) Britt. & Rose var. *deserti* (Engelm.) W. T. Marshall
 Syn.: *Mammillaria chlorantha* Engelm.
Coryphantha vivipara (Nutt.) Britt. & Rose var. *rosea* (Clokey) L. Benson

Echinocactus polycephalus Engelm. & Bigel. var. *polycephalus*
Echinocactus polycephalus Engelm. & Bigel. var. *xeranthemoides* Engelm. ex Coult.
 Syn.: *Echinocactus xeranthemoides* Engelm. ex Coult.
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *acicularis* L. Benson
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *armatus* L. Benson
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *chrysocentrus* L. Benson
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *engelmannii*
Echinocereus engelmannii (Parry) Lemaire var. *variegatus* (Engelm.) Engelm. ex Rümpler
Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *fasciculatus*
 Syn.: *Echinocereus fendleri* (Engelm.) Rümpler var. *fasciculatus* (Engelm.) Engelm. ex B. D. Jackson) N. P. Taylor, *Echinocereus fendleri* (Engelm.) Rümpler var. *robusta* L. Benson; *Mammillaria fasciculata* Engelm.
Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *bonkeriae* (Thornber & Bonker) L. Benson.
 Syn.: *Echinocereus boyce-thompsonii* Oreutt var. *bonkeriae* Peebles; *Echinocereus fendleri* (Engelm.) Rümpler var. *bonkeriae* (Thornber & Bonker) L. Benson
Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *boyce-thompsonii* (Oreutt) L. Benson
 Syn.: *Echinocereus boyce-thompsonii* Oreutt
Echinocereus fendleri (Engelm.) Rümpler var. *boyce-thompsonii* (Oreutt) L. Benson
Echinocereus fendleri (Engelm.) Rümpler var. *fendleri*
Echinocereus fendleri (Engelm.) Rümpler var. *rectispinus* (Peebles) L. Benson
Echinocereus ledingii Peebles
Echinocereus nicholii (L. Benson) Parfitt.
 Syn.: *Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *nicholii* L. Benson
Echinocereus pectinatus (Scheidw.) Engelm. var. *dasyacanthus* (Engelm.) N. P. Taylor
 Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *neomexicanus* (Coult.) L. Benson
Echinocereus polyacanthus Engelm. (1848) var. *polyacanthus*
Echinocereus pseudopectinatus (N. P. Taylor) N. P. Taylor
 Syn.: *Echinocereus bristolii* W. T. Marshall var. *pseudopectinatus* N. P. Taylor, *Echinocereus pectinatus* (Scheidw.) Engelm. var. *pectinatus sensu* Kearney and Peebles, Arizona Flora, and L. Benson, The Cacti of Arizona and The Cacti of the United States and Canada.
Echinocereus rigidissimus (Engelm.) Hort. F. A. Haage.
 Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *rigidissimus* (Engelm.) Engelm. ex Rümpler Rainbow cactus
Echinocereus triglochidiatus Engelm. var. *gonacanthus* (Engelm. & Bigel.) Boiss.
Echinocereus triglochidiatus Engelm. var. *melanacanthus* (Engelm.) L. Benson
 Syn.: *Mammillaria aggregata* Engelm.
Echinocereus triglochidiatus Engelm. var. *mojavensis* (Engelm.) L. Benson
Echinocereus triglochidiatus Engelm. var. *neomexicanus* (Standl.) Standl. ex W. T. Marshall.
 Syn.: *Echinocereus triglochidiatus* Engelm. var. *polyacanthus* (Engelm. 1859 non 1848) L. Benson
Echinocereus triglochidiatus Engelm. var. *triglochidiatus*
Echinomastus erectocentrus (Coult.) Britt. & Rose var. *erectocentrus*
 Syn.: *Neolloydia erectocentra* (Coult.) L. Benson var. *erectocentra*
Echinomastus intertextus (Engelm.) Britt. & Rose Syn.: *Neolloydia intertexta* (Engelm.) L. Benson
Echinomastus johnsonii (Parry) Baxter-Beehive cactus
 Syn.: *Neolloydia johnsonii* (Parry) L. Benson
Epithelantha micromeris (Engelm.) Weber ex Britt. & Rose
Feroeactis cylindraceus (Engelm.) Oreutt var. *cylindraceus* Barrel cactus
 Syn.: *Feroeactis acanthodes* (Lemaire) Britt. & Rose var. *acanthodes*
Feroeactis cylindraceus (Engelm.) Oreutt var. *eastwoodiae* (Engelm.) N. P. Taylor
 Syn.: *Feroeactis acanthodes* (Lemaire) Britt. & Rose var. *eastwoodiae* L. Benson; *Feroeactis eastwoodiae* (L. Benson) L. Benson
Feroeactis cylindraceus (Engelm.) Oreutt. var. *leeontei* (Engelm.) H. Bravo
 Syn.: *Feroeactis acanthodes* (Lemaire) Britt. & Rose var. *leeontei* (Engelm.) Lindsay; *Feroeactis leeontei* (Engelm.) Britt. & Rose
Feroeactis emoryi (Engelm.) Oreutt Barrel cactus
 Syn.: *Feroeactis covillei* Britt. & Rose
Feroeactis wislizenii (Engelm.) Britt. & Rose Barrel cactus
Lophocereus schottii (Engelm.) Britt. & Rose Senita
Mammillaria grahamii Engelm. var. *grahamii*
Mammillaria grahamii Engelm. var. *oliviae* (Oreutt) L. Benson
 Syn.: *Mammillaria oliviae* Oreutt
Mammillaria heyderi Mühlenpf. var. *heyderi*
 Syn.: *Mammillaria gummifera* Engelm. var. *applanata* (Engelm.) L. Benson
Mammillaria heyderi Mühlenpf. var. *maedougallii* (Rose) L. Benson
 Syn.: *Mammillaria gummifera* Engelm. var. *maedougallii* (Rose) L. Benson; *Mammillaria maedougallii* Rose
Mammillaria heyderi Mühlenpf. var. *meiacantha* (Engelm.) L. Benson
 Syn.: *Mammillaria gummifera* Engelm. var. *meiacantha* (Engelm.) L. Benson
Mammillaria lasiacantha Engelm.

Mammillaria mainiae K. Brand.
Mammillaria microcarpa Engelm.
Mammillaria tetrancistra Engelm.
Mammillaria thornberi Oreutt
Mammillaria viridiflora (Britt. & Rose) Bödeker. Syn.: *Mammillaria orestra* L. Benson
Mammillaria wrightii Engelm. var. *wilcoxii* (Toumey ex K. Schumann) W. T. Marshall
 Syn.: *Mammillaria wilcoxii* Toumey
Mammillaria wrightii Engelm. var. *wrightii*
Opuntia acanthocarpa Engelm. & Bigel. var. *acanthocarpa* Buckhorn cholla
Opuntia acanthocarpa Engelm. & Bigel. var. *coloradensis* L. Benson
Opuntia acanthocarpa Engelm. & Bigel. var. *major* L. Benson
 Syn.: *Opuntia acanthocarpa* Engelm. & Bigel. var. *ramosa* Peebles
Opuntia acanthocarpa Engelm. & Bigel. var. *thornberi* (Thornber & Bonker) L. Benson
 Syn.: *Opuntia thornberi* Thornber & Bonker
Opuntia arbuseula Engelm. Pencil cholla
Opuntia basilaris Engelm. & Bigel. var. *aurea* (Baxter) W. T. Marshall Yellow beavertail
 Syn.: *Opuntia aurea* Baxter
Opuntia basilaris Engelm. & Bigel. var. *basilaris* Beavertail cactus
Opuntia basilaris Engelm. & Bigel. var. *longiareolata* (Clover & Jotter) L. Benson
Opuntia basilaris Engelm. & Bigel. var. *treleasei* (Coul.) Toumey
Opuntia bigelovii Engelm. Teddy bear cholla
Opuntia campii ined.
Opuntia canada Griffiths (*O. phaeacantha* Engelm. var. *laevis* X *major* and *O. gilvoseens* Griffiths).
Opuntia chlorotica Engelm. & Bigel. Pancake prickly pear
Opuntia clavata Engelm. Club cholla
Opuntia curvospina Griffiths
Opuntia echinocarpa Engelm. & Bigel. Silver cholla
Opuntia emoryi Engelm. Devil cholla
 Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *stanlyi*
Opuntia engelmannii Salm Dyck ex Engelm. var. *engelmannii* Engelmann's prickly pear
 Syn.: *Opuntia phaeacantha* Engelm. var. *discata* (Griffiths) Benson & Walkington
Opuntia engelmannii Salm Dyck ex Engelm. var. *flavospina* (L. Benson) Parfitt & Pinkava
 Syn.: *Opuntia phaeacantha* Engelm. var. *flavispina* L. Benson
Opuntia erinacea Engelm. & Bigel. var. *erinacea* Mohave prickly pear
Opuntia erinacea Engelm. & Bigel. var. *hystericina* (Engelm. & Bigel.) L. Benson
 Syn.: *Opuntia hystericina* Engelm. & Bigel.
Opuntia erinacea Engelm. & Bigel. var. *ursina* (Weber) Parish Grizzly bear prickly pear
 Syn.: *Opuntia ursina* Weber
Opuntia erinacea Engelm. & Bigel. var. *utahensis* (Engelm.) L. Benson
 Syn.: *Opuntia rhodantha* Schum.
Opuntia fragilis Nutt. var. *brachyartha* (Engelm. & Bigel.) Coult.
Opuntia fragilis Nutt. var. *fragilis* Little prickly pear
Opuntia fulgida Engelm. var. *fulgida* Jumping chain fruit cholla
Opuntia fulgida Engelm. var. *mammillata* (Schott) Coult.
Opuntia imbricata (Haw.) DC. Tree cholla
Opuntia X *kelvinensis* V. & K. Grant pro sp.
 Syn.: *Opuntia kelvinensis* V. & K. Grant
Opuntia kleiniae DC. var. *tetracantha* (Toumey) W. T. Marshall
 Syn.: *Opuntia tetrancistra* Toumey
Opuntia kunzei Rose.
 Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *kunzei* (Rose) L. Benson; *Opuntia kunzei* Rose var. *wrightiana* (E. M. Baxter) Peebles; *Opuntia wrightiana* E. M. Baxter
Opuntia leptocaulis DC. Desert Christmas cactus, Pencil cholla
Opuntia littoralis (Engelm.) Coekl. var. *vaseyi* (Coul.) Benson & Walkington
Opuntia macrocentra Engelm. Purple prickly pear
 Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *macrocentra* (Engelm.) L. Benson; *Opuntia violacea* Engelm. ex B. D. Jackson var. *violacea*
Opuntia macrorhiza Engelm. var. *macrorhiza* Plains prickly pear
 Syn.: *Opuntia plumbea* Rose
Opuntia macrorhiza Engelm. var. *pottsii* (Salm Dyck) L. Benson
Opuntia martiniana (L. Benson) Parfitt
 Syn.: *Opuntia littoralis* (Engelm.) Cockerell var. *martiniana* (L. Benson) L. Benson; *Opuntia macrocentra* Engelm. var. *martiniana* L. Benson
Opuntia nicholii L. Benson Navajo Bridge prickly pear
Opuntia parishii Oreutt.
 Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *parishii* (Oreutt) L. Benson

- Opuntia phaeacantha* Engelm. var. *laevis* (Coult.) L. Benson
 Syn.: *Opuntia laevis* Coult.
Opuntia phaeacantha Engelm. var. *major* Engelm.
Opuntia phaeacantha Engelm. var. *phaeacantha*
Opuntia phaeacantha Engelm. var. *superbospina* (Griffiths) L. Benson
Opuntia polyacantha Haw. var. *juniperina* (Engelm.) L. Benson
Opuntia polyacantha Haw. var. *rufispina* (Engelm.) L. Benson
Opuntia polyacantha Haw. var. *trichophora* (Engelm. & Bigel.) L. Benson
Opuntia pulchella Engelm. Sand cholla
Opuntia ramosissima Engelm. Diamond cholla
Opuntia santa rita (Griffiths & Hare) Rose Santa Rita prickly pear
 Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *santa rita* (Griffiths & Hare) L. Benson
Opuntia spinosior (Engelm.) Toumey Cane cholla
Opuntia versicolor Engelm. Staghorn cholla
Opuntia vivipara Engelm.
Opuntia whipplei Engelm. & Bigel. var. *multigeniculata* (Clokey) L. Benson
Opuntia whipplei Engelm. & Bigel. var. *whipplei* Whipple cholla
Opuntia wigginsii L. Benson
Pediocactus papyraceanthus (Engelm.) L. Benson Grama grass cactus
 Syn.: *Toumeyia papyraceanthus* (Engelm.) Britt. & Rose
Pediocactus simpsonii (Engelm.) Britt. & Rose var. *simpsonii*
Peniocereus greggii (Engelm.) Britt. & Rose var. *greggii* Night blooming cereus
 Syn.: *Cereus greggii* Engelm.
Peniocereus greggii (Engelm.) Britt. & Rose var. *transmontanus* Queen-of-the-Night
Peniocereus striatus (Brandege) Buxbaum.
 Syn.: *Neoevansia striata* (Brandege) Sanchez-Mejorada; *Cereus striatus* Brandege; *Wileoxia diguetii* (Webber) Peebles
Sclerocaetus parviflorus Clover & Jotter var. *intermedius* (Peebles) Woodruff & L. Benson
 Syn.: *Sclerocaetus intermedius* Peebles
Sclerocaetus parviflorus Clover & Jotter var. *parviflorus*
 Syn.: *Sclerocaetus whipplei* (Engelm. & Bigel.) Britt. & Rose var. *roseus* (Clover) L. Benson
Sclerocaetus pubispinus (Engelm.) L. Peebles
Sclerocaetus spinosior (Engelm.) Woodruff & L. Benson
 Syn.: *Sclerocaetus pubispinus* (Engelm.) L. Benson var. *sileri* L. Benson
Sclerocaetus whipplei (Engelm. & Bigel.) Britt. & Rose
Stenocereus thurberi (Engelm.) F. Buxbaum Organ pipe cactus
 Syn.: *Cereus thurberi* Engelm.; *Lemairocereus thurberi* (Engelm.) Britt. & Rose
- CAMPANULACEAE** Bellflower Family
- Lobelia cardinalis* L. ssp. *graminea* (Lam.) McVaugh Cardinal flower
Lobelia fenestralis Cav. Leafy lobelia
Lobelia laxiflora H. B. K. var. *angustifolia* A. DC.
- CAPPARACEAE** Cappar Family [–Capparidaceae]
- Cleome multicaulis* DC. Playa spiderflower
- CHENOPODIACEAE** Goosefoot Family
- Atriplex hymenelytra* (Torr.) Wats.
- CRASSULACEAE** Stonecrop Family
- Dudleya arizonica* (Nutt.) Britt. & Rose
 Syn.: *Echeveria pulverulenta* Nutt. ssp. *arizonica* (Rose) Clokey
Dudleya saxosa (M.E. Jones) Britt. & Rose ssp. *collomiae* (Rose) Moran
 Syn.: *Echeveria collomiae* (Rose) Kearney & Peebles
Graptopetalum bartramii Rose
 Syn.: *Echeveria bartramii* (Rose) K. & P.
Graptopetalum bartramii Rose Bartram's stonecrop, Bartram's live forever
 Syn.: *Echeveria bartramii* (Rose) Kearney & Peebles
Graptopetalum rusbyi (Greene) Rose
 Syn.: *Echeveria rusbyi* (Greene) Nels. & Macbr.
Sedum cockerellii Britt.
Sedum griffithsii Rose
Sedum lanceolatum Torr.
 Syn.: *Sedum stenopetalum* Pursh
Sedum rhodanthum Gray
Sedum stelliforme Wats.
- CROSSOSOMATAACEAE** Crossosoma Family
- Apacheria chiricahuensis* C. T. Mason Chiricahua rock flower
- CUCURBITACEAE** Gourd Family
- Tumamocaea maedougalii* Rose Tumamoc globeberry
- EUPHORBIACEAE** Spurge Family

- Euphorbia plummerae* Wats. Woodland spurge
Sapium biloculare (Wats.) Pax Mexican jumping bean
- FABACEAE Pea Family [=Leguminosae]
Astragalus corbrensis Gray var. *maguirei* Kearney
Astragalus eremnophylax Barneby var. *myriorrhaphis* Barneby Cliff milk vetch
Astragalus hypoxylus Wats. Huachuca milk vetch
Astragalus nutriosensis Sanderson Nutrioso milk vetch
Astragalus xiphoides (Barneby) Barneby Gladiator milk vetch
Cercis occidentalis Torr. California redbud
Errazurizia rotundata (Woot.) Barneby
 Syn.: *Parryella rotundata* Woot.
Lysiloma microphylla Benth. var. *thornberi* (Britt. & Rose) Isely Feather bush
 Syn.: *Lysiloma thornberi* Britt. & Rose
Phaseolus supinus Wiggins & Rollins
- FOUQUIERIACEAE Ocotillo Family
Fouquieria splendens Engelm. Ocotillo, coach whip, monkey tail
- GENTIANACEAE Gentian Family
Gentianella wislizenii (Engelm.) J. Gillett
 Syn.: *Gentiana wislizenii* Engelm.
- LAMIACEAE Mint Family
Hedeoma diffusum Green Flagstaff pennyroyal
Salvia dorrii ssp. *mearnsii*
Trichostema micranthum Gray
- LILIACEAE Lily Family
Allium acuminatum Hook.
Allium bigelovii Wats.
Allium biseptum Wats. var. *palmeri* (Wats.) Cronq.
 Syn.: *Allium palmeri* Wats.
Allium cernuum Roth. var. *neomexicanum* (Rydb.) Macbr. Nodding onion
Allium cernuum Roth. var. *obtusum* Ckll.
Allium geayeri Wats. var. *geayeri*
Allium geayeri Wats. var. *tenerum* Jones
Allium kunthii Don
Allium macropetalum Rydb.
Allium nevadense Wats. var. *eristatum* (Wats.) Ownbey
Allium nevadense Wats. var. *nevadense*
Allium parishii Wats.
Allium plummerae Wats.
Allium rhizomatum Woot. & Standl. Incl.: *Allium glandulosum* Link & Otto sensu Kearney & Peebles
Androstephium breviflorum Wats. Funnel lily
Calochortus ambiguus (Jones) Ownbey
Calochortus aureus Wats.
 Syn.: *Calochortus nuttallii* Torr. & Gray var. *aureus* (Wats.) Ownbey
Calochortus flexuosus Wats. Straggling mariposa
Calochortus gunnisonii Wats.
Calochortus kennedyi Porter var. *kennedyi* Desert mariposa
Calochortus kennedyi Porter var. *munzii* Jeps.
Diebelostemma pulchellum (Salisb.) Heller var. *pauciflorum* (Torr.) Hoover
Disporum trachycarpum (Wats.) Benth. & Hook. var. *subglabrum* Kelso
Disporum trachycarpum (Wats.) Benth. & Hook. var. *trachycarpum*
Echeandia flavescens (Schultes & Schultes) Cruden
 Syn.: *Anthericum torreyi* Baker
Eremocrinum albomarginatum Jones
Fritillaria atropurpurea Nutt.
Hesperocallis undulata Gray Ajo lily
Lilium parryi Wats. Lemon lily
Lilium umbellatum Pursh
Maianthemum racemosum (L.) Link. ssp. *amplexicaule* (Nutt.) LaFrankie
 Syn.: *Smilacina racemosa* (L.) Desf. var. *amplexicaulis* (Nutt.) Wats.
Maianthemum racemosum (L.) Link. ssp. *racemosum* False Solomon's seal
 Syn.: *Smilacina racemosa* (L.) Desf. var. *racemosa*; *Smilacina racemosa* (L.) Desf. var. *cylindrata* Fern.
Maianthemum stellatum (L.) Link
 Syn.: *Smilacina stellata* (L.) Desf. Starflower
Milla biflora Cav. Mexican star
Nothoseordum texanum Jones
Polygonatum cobrense (Woot. & Standl.) Gates

- Streptopus amplexifolius* (L.) DC. Twisted stalk
Triteleia lemmonae (Wats.) Greene
Triteleciopsis palmeri (Wats.) Hoover
Veratrum californicum Durand. False hellebore
Zephyranthes longifolia Hemsl. Plains rain lily
Zigadenus elegans Pursh. White camas, alkali-grass
Zigadenus paniculatus (Nutt.) Wats. Sand-corn
Zigadenus vireseens (H. B. K.) Macbr.
- MALVACEAE** Mallow Family
- Abutilon parishii* Wats. Tucson Indian mallow
Abutilon thurberi Gray. Baboquivari Indian mallow
- NOLINACEAE** Nolina
- Dasyllirion wheeleri* Wats. Sotol, desert spoon
Nolina bigelovii (Torr.) Wats. Bigelow's nolina
Nolina microcarpa Wats. Beargrass, saeahuista
Nolina parryi Wats. Parry's nolina
Nolina texana Wats. var. *compacta* (Trel.) Johnst. Bunchgrass
- ONAGRACEAE** Evening Primrose Family
- Camissonia exilis* (Raven) Raven
- ORCHIDACEAE** Orchid Family
- Calypso bulbosa* (L.) Oakes var. *americana* (R. Br.) Luer
Coeloglossum viride (L.) Hartmann var. *vireseens* (Muhl.) Luer
 Syn.: *Habenaria viridis* (L.) R. Br. var. *bracteata* (Muhl.) Gray
Corallorhiza maculata Raf. Spotted coral root
Corallorhiza striata Lindl. Striped coral root
Corallorhiza wisteriana Conrad. Spring coral root
Epipactis gigantea Douglas ex Hook. Giant helleborine
Goodyera oblongifolia Raf.
Goodyera repens (L.) R. Br.
Hexalectris spicata (Walt.) Barnhart. Crested coral root
Listera convallarioides (Swartz) Nutt. Broad-leaved twayblade
Malaxis corymbosa (S. Wats.) Kuntze
Malaxis ehrenbergii (Reichb. f.) Kuntze
Malaxis macrostachya (Lexarza) Kuntze. Mountain malaxis
 Syn.: *Malaxis soulei* L. O. Williams
Malaxis tenuis (S. Wats.) Ames
Platanthera hyperborea (L.) Lindley var. *gracilis* (Lindley) Luer
 Syn.: *Habenaria sparsiflora* Wats. var. *laxiflora* (Rydb.) Correll
Platanthera hyperborea (L.) Lindley var. *hyperborea*. Northern green orchid
 Syn.: *Habenaria hyperborea* (L.) R. Br.
Platanthera limosa Lindl. Thurber's bog orchid
 Syn.: *Habenaria limosa* (Lindley) Hemsley
Platanthera sparsiflora (Wats.) Schlechter var. *ensifolia* (Rydb.) Luer
Platanthera sparsiflora (Wats.) var. *laxiflora* (Rydb.) Correll
Platanthera sparsiflora (Wats.) Schlechter var. *sparsiflora*. Sparsely-flowered bog orchid
 Syn.: *Habenaria sparsiflora* Wats.
Platanthera stricta Lindl. Slender bog orchid
 Syn.: *Habenaria saccata* Greene; *Platanthera saccata* (Greene) Hulten
Platanthera viridis (L.) R. Br. var. *bracteata* (Muhl.) Gray. Long-bracted habenaria
Spiranthes michauxiana (La Llave & Lex.) Hemsl.
Spiranthes parasitica A. Rich. & Gal.
Spiranthes romanzoffiana Cham. Hooded ladies tresses
- PAPAVERACEAE** Poppy Family
- Aretomecon californica* Torr. & Frém. Golden bear poppy, Yellow-flowered desert poppy
- PINACEAE** Pine Family
- Pinus aristata* Engelm. Bristlecone pine
- POLYGONACEAE** Buckwheat Family
- Eriogonum apachense* Reveal
Eriogonum capillare Small
Eriogonum mortonianum Reveal. Morton's buckwheat
Eriogonum ripleyi J. T. Howell. Ripley's wild buckwheat, Frazier's Well buckwheat
Eriogonum thompsonae Wats. var. *atwoodii* Reveal. Atwood's buckwheat
- PORTULACACEAE** Purslane Family
- Talinum humile* Greene. Pinos Altos flame flower
Talinum marginatum Greene
Talinum validulum Greene. Tusayan flame flower

PRIMULACEAE Primrose Family

Dodecatheon alpinum (Gray) Greene ssp. *majus* H. J. Thompson
Dodecatheon dentatum Hook. ssp. *ellisiae* (Standl.) H. J. Thompson
Dodecatheon pulchellum (Raf.) Merrill
Primula hunnewellii Fern.
Primula rusbyi Greene
Primula specuicola Rydb.

RANUNCULACEAE Buttercup Family

Aquilegia caerulea James ssp. *pinetorum* (Tidest.) Payson Rocky Mountain Columbine
Aquilegia chrysantha Gray
Aquilegia desertorum (Jones) Ckll. Desert columbine, Mogollon columbine
Aquilegia elegantula Greene
Aquilegia longissima Gray Long Spur Columbine
Aquilegia micrantha Eastw.
Aquilegia triternata Payson

ROSACEAE Rose Family

Rosa stellata Woot. ssp. *abyssa* A. Phillips Grand Canyon rose
Vauquelinia californica (Torr.) Sarg. ssp. *pauciflora* (Standl.) Hess & Henrickson Few-flowered Arizona rosewood

SCROPHULARIACEAE Figwort Family

Castilleja mogollonica Pennell
Penstemon albomarginatus Jones
Penstemon bicolor (Brandeg.) Clokey & Keek ssp. *roseus* Clokey & Keek
Penstemon clutei A. Nels.
Penstemon distans N. Holmgren Mt. Trumbull beardtongue

Penstemon linarioides spp. *maguirei*

SIMAROUBACEAE Simarouba Family

Castela emoryi (Gray) Moran & Felger Crucifixion thorn
 Syn.: *Holacantha emoryi* Gray

STERCULIACEAE Cacao Family

Fremontodendron californicum (Torr.) Coville Flannel bush
Amaranthaceae Atriplex hymenelytra - Desert-holly
Amaryllidaceae Allium spp. that are not listed in Appendix A.(A) - Wild onion
Amaryllidaceae Habranthus longifolius - Plains Rain Lily
Amaryllidaceae Nothoscordum bivalve - Crowpoison
Anacardiaceae Rhus kearneyi ssp. *kearneyi* - Kearney Sumac
Apocynaceae Amsonia peeblesii - Peeble's Bluestar
Arecaceae Washingtonia filifera - California fan palm
Asparagaceae Agave spp. that are not listed in Appendix A.(A) - Agave, century plant
Asparagaceae Androstephium breviflorum - Funnel-lily
Asparagaceae Dasylirion wheeleri - Sotol, desert spoon
Asparagaceae Echeandia flavescens - Amberlily
Asparagaceae Eremocrinum albomarginatum - Lonely-lily
Asparagaceae Hesperocallis undulata - Ajo-lily
Asparagaceae Hesperoyucca newberryi - Newberry's-yucca
Asparagaceae Milla biflora - Mexican star
Asparagaceae Nolina spp. - Beargrass
Asparagaceae Polygonatum cobrense
Asparagaceae Triteleia lemmoniae - Oak Creek Triplet-lily
Asparagaceae Triteleopsis palmeri - Palmer's Blue sand lily
Asparagaceae Yucca spp. that are not listed in Appendix A.(A) - Narrow-leaf yucca
Asteraceae Cirsium virginensis - Virgin thistle
Asteraceae Erigeron anchana - Sierra Ancha fleabane
Asteraceae Erigeron heliographis - Heliograph Peak fleabane
Asteraceae Erigeron hodgsoniae - Hodgson's fleabane
Asteraceae Erigeron piscaticus - Fish Creek fleabane
Asteraceae Erigeron pringlei - Pringle's fleabane
Asteraceae Hymenoxys ambigens - Pinaleno Mountain Rubberweed
Asteraceae Perityle spp. except *emoryi* - Ajo rock daisy
Asteraceae Senecio quaerens - Gila groundsel
Asteraceae Tetranuris verdiensis - Verde Valley four-nerved daisy
Boraginaceae Mertansia macdougalii - Macdougal's bluebells
Boraginaceae Phacelia sonoitensis - Sonoita Creek scorpionweed
Brassicaceae Draba asprella - Rough Whitlow-grass
Burseraceae Bursera microphylla - Elephant tree, torote
Cactaceae Carnegiea gigantea - Saguaro
Cactaceae Cochiemia spp. Biznaguita

Cactaceae *Cylindropuntia* spp. except listed in A - Cholla
Cactaceae *Echinocereus* spp. *emoryi* - Hedgehogs, claret-cup hedgehogs
Cactaceae *Echinomastus* spp. that are not listed in Appendix A.(A) - Fishhook cactus
Cactaceae *Epithelantha micromeris* - Pingpong ball cactus
Cactaceae *Escobaria* spp. that are not listed in Appendix A.(A) - Foxtail cactus
Cactaceae *Ferocactus* spp. - Barrel cactus, biznaga
Cactaceae *Grusonia* spp. - Devil-cholla
Cactaceae *Homalocephala polycephala* - Many-headed barrel cactus
Cactaceae *Lophocereus schottii* - Senita
Cactaceae *Mammillaria heyderi* - Heyder's pincushion cactus
Cactaceae *Opuntia* spp. - Prickly-pear
Cactaceae *Pediocactus* spp. except listed in A - Pincushion cactus, *pediocactus*
Cactaceae *Peniocereus* spp. - Queen-of-the-night cactus
Cactaceae *Sclerocactus* spp. except listed in A - Fishhook cactus
Cactaceae *Stenocereus thurberi* - Organpipe cactus
Campanulaceae *Lobelia fenestralis* - Fringeleaf lobelia
Campanulaceae *Lobelia laxiflora* - Sierra Madre lobelia
Caryophyllaceae *Eremogone aberrans* - Mt. Dellenbaugh Matted Sandwort
Cochlospermaceae *Cochlospermum* spp. - Saiya
Crassulaceae *Dudleya* spp. - Live-forever, echeveria
Crassulaceae *Graptopetalum* spp. - Leather-petals
Crassulaceae *Sedum* spp. - Stonecrop
Crossosomataceae *Apacheria chiricauhensis* - Apache-bush
Cucurbitaceae *Tumamoca mcdougalii* - Tumamoc globeberry
Euphorbiaceae *Euphorbia aaron-rossii* - Marble Canyon spurge
Euphorbiaceae *Euphorbia plummerae* - Huachuca Mountain spurge
Euphorbiaceae *Pleradenophora bilocularis* - Jumping Bean (es: hierba de la flecha)
Fabaceae *Astragalus cobrensis* var. *maguirei* - Maguire's milkvetch
Fabaceae *Astragalus cremnophylax* - Sentry milkvetch
Fabaceae *Astragalus hypoxylus* - Huachuca Mountain milkvetch
Fabaceae *Astragalus lentiginosus* var. *maricopae* - Maricopa milkvetch
Fabaceae *Astragalus nutriosensis* - Apache milkvetch
Fabaceae *Astragalus xiphoides* - Gladiator milkvetch
Fabaceae *Cercis orbiculata* - California redbud
Fabaceae *Dermatophyllum arizonicum* - Arizona Western mountain-laurel
Fabaceae *Errazurizia rotundata* - Roundleaf dunebroom
Fabaceae *Olneya tesota* - Ironwood, palo fierro
Fabaceae *Pediomelum pauperitense*
Fabaceae *Phaseolus supinus* - Supine bean
Fouquieriaceae *Fouquieria splendens* - Ocotillo
Gentianaceae *Gentianella wislizenii* - Chiricahua Mountain dwarf gentian
Lamiaceae *Hedeoma diffusa* - Flagstaff mock pennyroyal
Lamiaceae *Monardella arizonica* - Arizona monardella
Lamiaceae *Salvia dorrii* ssp. *mearnsii* - Purple sage
Lamiaceae *Scutellaria potosina* var. *occidentalis* - Kaibab skullcap
Liliaceae *Calochortus* spp. - Mariposa-lily
Liliaceae *Fritillaria atropurpurea* - Spotted fritillary
Liliaceae *Lilium* spp. - Lemon lily
Liliaceae *Prosartes trachycarpa* - Roughfruit fairy-bells
Liliaceae *Streptopus amplexifolius* - Twisted stalk
Loasaceae *Mentzelia longiloba* - Blazing-star
Malvaceae *Abutilon parishii* - Tucson Indian-mallow
Malvaceae *Fremontodendron californicum* - Flannel bush
Malvaceae *Pseudabutilon thurberi* - Baboquivari Indian-mallow
Malvaceae *Sphaeralcea rusbyi* ssp. *gilensis* - Gila globe-mallow
Malvaceae *Sphaeralcea gierischii* - Gierisch's globe-mallow
Nyctaginaceae *Boerhavia megaptera* - Tucson Mountain spiderling
Onagraceae *Camissonia confertiflora* - Grand Canyon suncup
Onagraceae *Chylismia exilis* - Cottonwood Springs beeblossum
Orchidaceae all orchidaceae with exception of those that are listed in Appendix A.(A)
Papaveraceae *Argemone arizonica* - Grand Canyon prickle-poppy
Pinaceae *Pinus aristata* - Bristlecone pine
Plantaginaceae *Mabrya acerifolia* - Brittle-stem
Plantaginaceae *Penstemon albomarginatus* - Whitemargin beardtongue
Plantaginaceae *Penstemon bicolor* spp. *roseus* - Pinto beardtongue
Plantaginaceae *Penstemon clutei* - Sunset Crater beardtongue

Plantaginaceae *Penstemon distans* - Mt. Trumbull beardtongue
Plantaginaceae *Penstemon linarioides* ssp. *maguirei* - Maguire's beardtongue
Plantaginaceae *Penstemon nudiflorus* - Flagstaff beardtongue
Plantaginaceae *Penstemon subulatus* - Hackberry beardtongue
Poaceae *Sporobolus interruptus* - Black dropseed
Polemoniaceae *Linanthus maricopensis* - Maricopa linanthus
Polygalaceae *Rhinotropis rusbyi* - Rusby's desert milkwort
Polygonaceae *Eriogonum heermannii* var. *apachense* - Apache buckwheat
Polygonaceae *Eriogonum capillare* - San Carlos buckwheat
Polygonaceae *Eriogonum ericifolium* - Yavapai County buckwheat
Polygonaceae *Eriogonum jonesii* - Jones' buckwheat
Polygonaceae *Eriogonum mortonianum* - Fredonia buckwheat
Polygonaceae *Eriogonum pulchrum* - Yavapai County buckwheat
Polygonaceae *Eriogonum ripleyi* - Frazier's Well buckwheat
Polygonaceae *Eriogonum terrenatum* - San Pedro River buckwheat
Polygonaceae *Eriogonum thompsonae* var. *atwoodii* - Atwood's buckwheat
Portulacaceae *Lewisia* spp. - Bitter-root
Portulacaceae *Phemeranthus* spp. - Flameflower
Primulaceae *Dodecatheon* spp. - Shooting-star
Primulaceae *Primula rusbyi* - Rusby's primrose
Primulaceae *Primula specuicola* - Cave-dwelling primrose
Pteridaceae *Astrolepis cochisensis* subsp. *arizonica* - Arizona scaly cloakfern
Ranunculaceae *Aquilegia* spp. - Columbines
Rosaceae *Potentilla albiflora* - Pinaleno cinquefoil
Rosaceae *Potentilla demotica* - Hualapai cinquefoil
Rosaceae *Potentilla rhyolitica* - Santa Rita cinquefoil
Rosaceae *Rosa stellata* ssp. *abyssa* - Desert rose
Rosaceae *Vauquelinia californica* - Arizona rosewood
Rubiaceae *Galium collomiae* - Fossil Hill Creek bedstraw
Saxifragaceae *Heuchera eastwoodiae* - Senator Mine allum-root
Saxifragaceae *Heuchera glomerulata* - Chiricahua Mountain allum-root
Simaoubaceae *Castela emoryi* - Crucifixion-thorn, corona de cristo
Solanaceae *Lycium* spp. - Wolfberry, tomatillo
Solanaceae *Capsicumannuum* var. *glabriusculum* - Chiltepin

- C. Salvage assessed native plants as prescribed in A.R.S. § 3-903(B)(3) that require a permit issued pursuant to this Article for removal:

BIGNONIACEAE Bignonia Family

Chilopsis linearis (Cav.) Sweet var. *arcuata* Fosberg - Desert willow

Chilopsis linearis (Cav.) Sweet var. *glutinosa* (Engelm.) Fosberg

FABACEAE Pea Family [–Leguminosae]

Cercidium floridum Benth. - Blue palo verde

Cercidium microphyllum (Torr.) Rose & Johnst. - Foothill palo verde

Olneya tesota Gray - Desert ironwood

Prosopis glandulosa Torr. var. *glandulosa* - Honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckl.

Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst. - Western honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson

Prosopis pubescens Benth. - Screwbean mesquite

Prosopis velutina Woot. - Velvet mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.

Psoralea spinosa (Gray) Barneby - Smoke tree.

Syn.: *Dalea spinosa* Gray

Bignoniaceae *Chilopsis linearis* - Desert willow

Fabaceae *Parkinsonia florida* - Blue palo verde

Fabaceae *Parkinsonia microphylla* - Foothill palo verde

Fabaceae *Neltuma odorata* - Texas Honey Mesquite

Fabaceae *Strombocarpa pubescens* - Screwbean mesquite

Fabaceae *Neltuma velutina* - Velvet mesquite

Fabaceae *Psoralea spinosa* - Smoke tree

- D. Harvest restricted native plants as prescribed at A.R.S. § 3-903(B)(4) that require a permit issued pursuant to this Article, to cut or remove the plants for their by-products, fibers, or wood:

AGAVACEAE Agave Family (including Nolinaceae)

Nolina bigelovii (Torr.) Wats. - Bigelow's nolina

Nolina microcarpa Wats. - Beargrass, saeahuista

Nolina parryi Wats. - Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst. - Bunchgrass

Yucca baccata Torr. var. *baccata* - Banana yucca

Yucca schidigera Roetzl. - Mohave yucca, Spanish dagger
 FABACEAE Pea Family [-Leguminosae]
Olneya tesota Gray - Desert ironwood
Prosopis glandulosa Torr. var. *glandulosa* - Honey mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.
Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst. - Western honey mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson
Prosopis pubescens Benth. - Screwbean mesquite
Prosopis velutina Woot. - Velvet mesquite
 Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.
Asparagaceae *Nolina* spp. - Bear-grass
Fabaceae *Neltuma odorata* - Texas Honey Mesquite
Fabaceae *Neltuma velutina* - Velvet Mesquite
Fabaceae *Psoralea argemone* - Smoketree

NOTICE OF FINAL RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

[R24-285]

PREAMBLE

1. **Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:**
September 10, 2024
2. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**

R9-26-201	Amend
R9-26-202	Amend
R9-26-203	Amend
R9-26-204	Amend
R9-26-205	Amend
R9-26-207	Amend
R9-26-501	Amend
R9-26-503	Amend
R9-26-505	Amend
R9-26-507	Amend
R9-26-509	Amend
3. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. §§ 36-1946(1), (2), and (3) and 36-1947(B)
 Implementing statute: A.R.S. §§ 36-1947 and 36-1971(B)
4. **The effective date for the rules:**
February 4, 2025
 - a. **If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable.
 - b. **If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
Not applicable.
5. **Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 29 A.A.R. 3587; Issue date: November 17, 2023; Issue number: 46, File number: R23-227
 Notice of Proposed Rulemaking: 29 A.A.R. 3561; Issue date: November 17, 2023, Issue number: 46, File Number: R23-224
 Notice of Public Information: 29 A.A.R. 3807; Issue date: December 15, 2023, Issue number: 50, File Number: M23-65
6. **The agency's contact person who can answer questions about the rulemaking:**
 Name: Carmen Green Smith
 Title: Deputy Director
 Address: Commission for the Deaf and the Hard of Hearing
 100 N. 15th Ave., Suite 104
 Phoenix, AZ 85007
 Telephone: (602) 542-3362

Fax: (602) 542-3380
 Email: C.green@acdhh.az.gov
 Website: acdhh.org

7. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In a 5YRR approved by the Council on October 4, 2022, the Commission indicated it would make minor changes to improve the clarity and understandability of the rules. This rulemaking accomplishes that goal.

As a result of challenges from the Covid19 pandemic, in a 2021 rulemaking, the Board amended R9-26-501 and R9-26-507, to provide extra time for Legal A and provisional interpreters to take required performance examinations. The extra time provided has expired so the amended provisions are deleted in this rulemaking.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable.

9. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

10. A summary of the economic, small business, and consumer impact:

The Commission believes the provision making an individual eligible for a voucher to purchase new telecommunications equipment when previously purchased equipment is no longer under warranty is most apt to have economic impact because it will allow individuals to obtain new equipment more frequently. Changes reducing or eliminating unnecessary or burdensome provisions will have important but minimal economic impact.

11. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

No changes were made between the proposed and final rules.

12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

The Commission received no comments regarding the rules in Article 2. The Commission received both written and oral comments regarding the rules in Article 5. Comments were received from Torrey Mansager, LaDonna Gabrielson, Deb Stone Haris, Jasmine Marin, Michelle Monahan, Matthew Brown, Ernest Willman, Robert Hann, Raymon Baesler, David Svoboda, Joni Horn, and Maria Tavormina. Each comment is addressed.

Comment	ACDHH analysis	ACDHH response
<p>Even if we're going to allow other state certifications like BEI, we should require interpreters to have a bachelor's degree. Because many state certifications don't require proof of a bachelor's degree, individuals are able to avoid becoming fully competent and qualified. I believe a bachelor's in interpreting is the minimum someone needs to be a proficient entry-level interpreter. There's a reason RID requires a bachelor's. I don't think a bachelor's in anything non-interpreting related should be acceptable but the Commission could allow that, like RID does, to address the dearth of bachelor's level programs.</p> <p>When an individual graduates with an associate's, the individual is barely a competent language technician. It's not until additional course work is completed at the bachelor's level that an individual acquires a deeper understanding of morally defensible ethical decision making and moves toward becoming a practice professional. If we want to be considered professionals, our standards should reflect that.</p>	<p>The Commission relies on certifying bodies for professional American Sign Language (ASL) interpreters to set minimum education standards (BEI=Associates degree and RID=Bachelors or Alternative pathway degree). The Commission does not intend to impose a more strict education requirement than the certifying bodies of RID and BEI because doing so could potentially reduce the pool of qualified interpreters in Arizona.</p>	<p>No change</p>

<p>I am addressing the proposed change for a Class B Provisional license. The proposed changes address typographical errors and combine Class A and Class B Provisional license requirements under one heading. I would like to bring two concerns to the Commission’s attention. First, based on the competency standards screened by the BEI Basic performance exam, interpreters holding this certificate are incorrectly classified as Generalist Interpreters by current licensure law. Second, there is need for specific guidance on settings where Class B Provisional Interpreters are qualified to work independently, without the support of a generally or legally licensed team interpreter.</p> <p>Currently, Generalist Interpreters holding a BEI Basic certificate have not proven through examination that they have interpreting skills for community assignments. Holders of a BEI Basic certificate meet minimum competency standards through examination to interpret only in K-12 and postsecondary educational settings. The BEI Basic performance test screens for terms and scenarios found in general lecture and teaching situations, and other educational contexts. Individuals awarded a BEI Basic certificate are not assessed in other community settings such as: medical, behavioral health, government, employment, finance, performance, public forums, or social service settings. Due to the current misclassification of BEI Basic certificate holders as Generalist Interpreters, they are working in these community settings under the Arizona rules. This is incongruent with the definition of the “Generalist Interpreter” classification found in R9-26-501 which states a “Generalist Interpreter” means an individual who provides interpreting in any community setting, except a legal setting, for which the individual is qualified by education, examination, and work history.” The BEI Basic performance exam does not meet the exam requirement for the Generalist Interpreter license. As such, the BEI Basic certificate should be removed from the list of acceptable examinations qualifying for the Generalist Interpreter license. It is my recommendation that interpreters currently holding a BEI Basic certificate are better classified as a Class B Provisional Interpreter under R9-25-503(2)(a) or R9-26-502(A)(1)(a) and (b) with additional definition and specific guidance on settings where they are qualified to work.</p> <p>Currently, a Class B Provisional Interpreter may provide interpreting services in a medical, mental health, or platform/performance setting only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-502(A)(1)(a) and (b), and shall not provide interpreting services in a legal setting. Because the current rule defines only three settings where a Class B Provisional Interpreter must work with a licensed team interpreter, it does not provide adequate guidance to determine where they are qualified to interpret independently. As a result, a Class B Provision Interpreter may assume the interpreter is qualified to interpret independently. This perpetuates the risk for ineffective and unethical interpreting service provision in the settings listed above (medical, behavioral health, government, employment, finance, performance, public forums, or social service settings).</p> <p>The misclassification of BEI Basic certificate holders as Generalist Interpreters, and the limited definition of settings where Class B Provisional Interpreters require the support of a licensed team interpreter in the current rule could be harming the lives of Arizona’s Deaf, DeafBlind and Hard of Hearing communities. I strongly urge the Board and Commission to evaluate the current proposal with these two concerns in mind and consider revisions based on these facts.</p>	<p>The Commission made a decision during the 2017 rule change to allow the BEI certification Basic level to be an acceptable certification that meets the minimum qualifications for a Generalist license in Arizona. This decision was based in part on the moratorium on certification tests delivered by RID, leaving the field without a way to grow because there were no testing options. The current classification and criteria for General licensees is not incorrect according to what the intentions of the Commission were during the 2017 rule changing process. The current rules define where a provisional B licensee can work “Class B provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services without a team interpreter licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) and (b), except in a medical, mental health, platform or performance, or legal setting. A Class B provisional interpreter may provide interpreting services in a medical, mental health, or platform or performance setting only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class B provisional interpreter shall not provide interpreting services in a legal setting.</p>	<p>No change</p>
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<p>It would be worthwhile to consider agencies that provide ASL/Eng interpreting services. Because spoken languages are not regulated in most areas, many spoken language agencies that expand to offer ASL/Eng interpreting services are not familiar enough with laws and regulations.</p>	<p>The Commission has no authority over licensing agencies providing spoken or ASL interpreting services. A.R.S. § 36-1946 does not allow the Commission to regulate business entities. This would require a statute change.</p>	<p>No change</p>
<p>I'm reaching out as an independent member of the ASL interpreting community. While I appreciate the current proposed changes to clarify the language in the rules, I believe there are certain issues that are far more impactful to the interpreting and Deaf communities that should be addressed.</p> <p>The first issue is the lack of oversight for referral agencies that coordinate ASL interpreting services. It is imperative that ACDHH continues to be the governing body over the ethics of individual ASL interpreters, however, that's only one part of the issues we see. With the increase of spoken language agencies offering ASL services, and considering the vast differences in industry standards between spoken and signed language interpreting, I feel it necessary for a government organization to be named as the watchdog for companies that hire and coordinate ASL interpreting services.</p>	<p>The Commission has no authority over licensing agencies providing spoken or ASL interpreting services. A.R.S. § 36-1946 does not allow the Commission to regulate business entities. This would require a statute change.</p>	<p>No change</p>
<p>I find it problematic that the ACDHH does not have jurisdiction to impose repercussions on unlicensed ASL interpreters. There currently are no penalties for non-licensed interpreters providing inadequate services to Deaf Arizonans, which is the entire point of having a licensure law. With the mass increase of Video Remote Interpreting, the blatantly unethical practices of nationwide VRI companies, and the national pool of VRI interpreters that are now providing services to our residents, it is of utmost important to allow ACDHH jurisdiction over unlicensed interpreters. I should also mention that we are the only state that I know of that doesn't have the ability to deliver repercussions to unlicensed interpreters.</p>	<p>The Commission has no authority over non-Arizona interpreters. A.R.S. § 36-1946 does not allow the Commission to regulate business entities. This would require a statute change.</p>	<p>No change</p>
<p>Please, consider extending ACDHH's jurisdiction when sanctioning interpreters— let them have the power to protect against unlicensed interpreters as well as nefarious agency practices.</p> <p>Empower the community further by organizing a union to better protect and establish standards.</p>	<p>The Commission has no authority over licensing agencies spoken or ASL. A.R.S. § 36-1946 does not allow the Commission to regulate business entities. This would require a statute change.</p>	<p>No change</p>
<p>The Commission should be able to deal harsher punishments for interpreters who repeatedly/ severely violate the code of ethics</p> <p>There should be punishments given to out-of-state interpreters for interpreting without a license</p> <p>Is there anything to be done/brought against VRI agencies who send unlicensed out-of-state interpreters to interpret virtually in AZ?</p> <p>Is there anything that can be done as far as oversight over agencies?</p>	<p>The Commission has no authority over licensing agencies spoken or ASL. A.R.S. § 36-1946 does not allow the Commission to regulate business entities. This would require a statute change.</p>	<p>No change</p>
<p>The Commission should consider reciprocity for those licensed in other states. Those working full time in VRI (Video Remote Interpreting) are known to have more than 10 licenses at a time. It's a lot to manage.</p>	<p>A.R.S. § 36-1971(A) says an individual shall not practice as an interpreter for the deaf and the hard of hearing without a license issued by the Commission. This applies to those working only by VRI. An individual who works by VRI in Arizona must be licensed by the Commission.</p>	<p>No change</p>
<p>Interpreters who held a Legal License for a long time can't continue with a legal license because they must now have a legal certificate. They should be grandfathered and still keep a legal license because they were trained and worked for a long time. Because RID stopped offering SC:L, new interpreters who apply for a legal license will require legal certification from BEI or somewhere else which is fine.</p>	<p>The 2017 licensure rule change required Legal A licensed interpreters who did not have their SCL certificate from RID and wished to stay in the Legal A category to obtain their CIC certificate from BEI within five years. COVID restrictions were implemented in March 2020. The five-year deadline to achieve certification was approaching for most professionals in 2021. The Commission requested permission and was granted authority to do a rulemaking. The 2021 rule change allowed an additional year (2022) to obtain the CIC certificate for Legal interpreters who were required to travel to Texas to take the BEI CIC test. The extended time has expired. The Commission stands behind the decisions made and believes the Legal A category interpreters have had sufficient time to meet the current requirements.</p>	<p>No change</p>

<p>It would be an ideal to have two separate listing for interpreters--one for Arizona residents and one for out-of-state interpreters. This way consumers can verified whether VRIs are licensed.</p>	<p>The Commission maintains a list of all interpreters who are licensed in Arizona. The list provides their first and last names. The Commission sees no benefit to adding the location of the licensed interpreters. The Commission has an online interpreter directory available to the community that lists the information the licensed interpreter wishes to share with the community. This directory posts interpreter information with their expressed consent and request.</p>	<p>No change</p>
<p>I believe ACDHH should receive the necessary funding to develop and manage a statewide mentorship program for new interpreters entering the field. The path to certification and licensure is arduous and offers little support. We are losing a huge percentage of well-trained interpreters by not offering them the meaningful work experience needed to develop the skills necessary for certification. The interpreting field is shrinking at a time when demand is increasing...there are considerably more interpreters retiring or leaving the field than there are new interpreters starting their careers. The current model is unsustainable, yet the need for qualified ASL interpreters is ever-growing. I believe ACDHH should receive the funding necessary to provide a solution to this issue.</p>	<p>The Commission appreciates the feedback but funding and a mentorship program are outside the scope of the rulemaking.</p>	<p>No change</p>
<p>I'd like to address the extreme shortage of Legal licensed interpreters in our state. I believe requiring BEI Advanced certification to receive a General license will incentivize more interpreters to take the BEI Court Interpreter Certification, due to BEI's own rules that require an interpreter to have a BEI Advanced certification to qualify for the CIC. I also think Arizona should examine reciprocity with other states' legal interpreter requirements and provide a path for those interpreters to be granted an Arizona Legal license. This will exponentially increase the number of legal interpreters on a national level that are able to provide services to the Deaf community in the justice system.</p>	<p>The 2017 rule change required Legal A licensed interpreters who did not have a SCL certificate from RID and wished to stay in the Legal A category to obtain a CIC certificate from BEI within five years. Due to the Covid pandemic, in March 2021 a rule change was made to allow extra time for Legal interpreters to obtain the required CIC certificate. The extended time has expired. The Commission stands behind the decisions made and believes the Legal A interpreters have had sufficient time to meet the current requirements. Valid certifications held needed to take the BEI CIC are the following: BEI Level III-IV, Advanced, Master OR RID CSC, CI/CT, RSC, CDI, NIC Advanced/Master. There is no need to take the advanced BEI test before taking the CIC.</p>	<p>No change</p>
<p>Currently, the BEI Basic is considered a qualifying credential for a General License in Arizona. I don't believe this to be adequate, as the BEI Basic was designed to qualify only K12 and post-secondary interpreters. It is a widely held belief that the BEI Advanced is more closely equivalent to the CASLI National Interpreter Certification. I propose offering those with BEI Basic certification a license that requires them to work alongside a General-licensed interpreter in all settings (except legal), with a 5-year opportunity to achieve the BEI Advanced certification and an Arizona General license.</p>	<p>The Commission decided during the 2017 rule change to allow the BEI certification Basic level to be an acceptable certification that meets the minimum qualifications for a Generalist license in Arizona. This decision was based, in part, on the moratorium on certification tests delivered by RID. This caused there to be no way to grow the number of interpreters because there were no testing options. The Commission acknowledges we may need to revisit the requirements to include the various tiers of advancement within the BEI structure to demonstrate progression in skills. The Commission will research this. It is interesting to note, the Commission has received an increased volume of complaints from consumers. These complaints are against interpreters who have RID certification and have been in the field for many years. In the last six years, we have had only one BEI-certified interpreter with a complaint compared with 22 RID-certified interpreters.</p>	<p>No change but the Commission will research including various tiers of advancement within the BEI structure to demonstrate progression in skills.</p>
<p>I see no reason why the proposed changes insofar as they impact Legal-licensed interpreters should not be approved as they merely eliminate the extension of time to earn the Legal-A license that was granted due to COVID. None of the language access personnel in the State courts with whom I shared the information expressed any concerns about the proposed rulemaking for Legal-licensed interpreters to me.</p>	<p>The Commission appreciates the comment and agrees.</p>	<p>No change</p>

<p>As both a law- and mental health-trained professional, it concerns me that steps are being taken to limit the number of legal interpreters who would be able to provide services to Deaf residents of Arizona.</p> <p>Acquaintances and clients have expressed concerns regarding the due process issues of not having interpreting services on a timely basis as well as the anxiety and distress of knowing there may be delays in the resolution of legal issues.</p> <p>It is rare that professional organizations and governing bodies choose not to grandfather in professionals who are already competently providing services during rule changes. I personally have seen grandfathering occur in several instances including here in Arizona when the Board of behavioral health changed from certification to licensure, I would strongly urge the Commission to reconsider their direction in this matter.</p>	<p>The 2017 licensure rule change required Legal A licensed interpreters who did not have their SCL certificate from RID and wished to stay in the Legal A category to obtain their CIC certificate from BEI. Due to the Covid pandemic, in March 2021, a rule change was made to allow extra time for those interpreters to obtain their CIC certificate. The extended time has expired. The Commission stands behind the decisions made and believes the Legal A category interpreters have had sufficient time to meet the current requirements.</p>	<p>No change</p>
<p>Before the 2017 rule making, Arizona Freelance Interpreting Services had 19 Legal A interpreters. Many with more than 20 years' experience. During Covid, many of the interpreters began working from home providing VRI. The demand for ASL interpreting services in general increased. These two facts caused many interpreters to conclude they were busy enough and did not need to pursue additional certification or return to the community to provide onsite services. The Commission list of Legal A interpreters is long but many only provide VRI services, which may not be suitable for courtroom hearings.</p> <p>The BEI CIC is the only test currently available for legal testing and the closest testing facility is in TX and it can take up to 12 months from application to test results. With this system, Arizona will never be able to increase its number of Legal A interpreters to meet the demand of an increasing population.</p> <p>I am asking the Commission to grandfather those interpreters who held a Legal A before the rule change to ensure the deaf and hard of hearing communities receive accommodations and access to information.</p>	<p>The 2017 licensure rule change required Legal A licensed interpreters who did not have their SCL certificate from RID and wished to stay in the Legal A category to obtain their CIC certificate from BEI. Due to the Covid pandemic, in March 2021, a rule change was made to allow extra time for those interpreters to obtain their CIC certificate. The extended time has expired. The Commission stands behind the decisions made and believes the Legal A category interpreters have had sufficient time to meet the current requirements.</p>	<p>No change</p>
<p>I am in full support of the proposed changes. We've had plenty of time to know what the requirements are to work in the courts. I appreciate the fact you were flexible with the regulation during Covid. It's correct that a lot of people don't want to go back into the community and work. But I don't see how changing the rules or adding grandfathering is going to change that. Maybe we need to look at other reasons interpreters prefer not to work in the courts. Maybe there's less incentive or the pay is not as great.</p>	<p>The Commission appreciates the comment.</p>	<p>No change</p>
<p>I see no reason why the proposed changes insofar as they impact Legal-licensed interpreters should not be approved as they merely eliminate the extension of time to earn the Legal A license that was granted due to Covid, which has since expired. None of the language access personnel in the State courts with whom I shared the information expressed any concerns about the proposed rulemaking for Legal-licensed interpreters.</p>	<p>The Commission appreciates the comment.</p>	<p>No change</p>

13. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The licenses issued by the Commission to interpreters are not general permits as defined at A.R.S. § 41-1001. Under A.R.S. § 36-1946(3) the Commission is required to establish standards and procedures for the qualification and licensure of each classification of interpreters. The standards must include an assessment of each individual's education, examination, and work history (See A.R.S. § 36-1971(B)).

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The Americans with Disabilities Act applies to individuals who are deaf, hard of hearing, or Deafblind. However, no federal law is directly applicable to the subject of any rule in this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable.

14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None

15. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

Section

R9-26-201.	Definitions
R9-26-202.	Eligibility
R9-26-203.	Application Process
R9-26-204.	Persons Authorized to Certify Need for Telecommunications Equipment
R9-26-205.	Vouchers
R9-26-207.	Confidentiality

ARTICLE 5. INTERPRETER LICENSURE AND REGULATION

Section

R9-26-501.	Definitions
R9-26-503.	Application for Generalist Interpreter License
R9-26-505.	Application for Provisional Interpreter License
R9-26-507.	License Renewal
R9-26-509.	Procedures for Processing Applications; Time Frames

ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

R9-26-201. Definitions

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this Article and A.R.S. § 36-1947:

“Applicant” means a person who applies to the Commission for telecommunications equipment.

“Audiologist” means a person who is licensed under A.R.S. § 36-1940 by the Arizona Department of Health Services.

“Deafblind” means a person who is either deaf or hard of hearing and:

Has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or

Has a field defect where the peripheral diameter of the visual field subtends an angular distance no greater than 20 degrees, or

Has a progressive visual loss with a prognosis of one or both of the conditions stated in the two preceding subsections.

“Director” means the Executive Director of the ~~Arizona Commission for the Deaf and Hard of Hearing~~.

“Hearing aid dispenser” has the same meaning as in A.R.S. § 36-1901.

“Hearing or speech-related disability” means a disability that prevents a person from hearing or articulating speech audibly or clearly, including deafness.

“Program” means the Telecommunications Equipment Distribution Program.

“Recipient” means a person who receives telecommunications equipment through the Program.

“Severely hearing or speech impaired” under A.R.S. § 36-1947(A) means a hearing or speech-related disability.

“Supplier” means a person that sells telecommunications equipment.

“Support service provider” means a trained individual who communicates visual, environmental, and social information to a Deaf-Blind individual to assist the DeafBlind individual to access the community and make decisions.

“Telecommunications equipment” means equipment that allows a person with a hearing or speech-related disability to access the telephone network.

“Vocational rehabilitation counselor” means ~~a Department of Economic Security employee~~ an individual who has a Master’s degree in rehabilitation counseling from a university accredited by the National Council on Rehabilitation Education and who is certified by the Commission on Rehabilitation Counseling.

“Voucher” means the Commission’s authorization of payment for telecommunications equipment.

R9-26-202. Eligibility

To be eligible for telecommunications equipment through the Program, a person shall:

1. Reside in Arizona;
2. Be a citizen of the U.S. or an alien whose presence in the U.S. is authorized under federal law;
3. Have a need for telecommunications equipment available through the Program due to a hearing or speech-related disability, as certified by an authorized person described in R9-26-203;
4. Have access to a telephone line; and
5. Not have used a voucher to purchase telecommunications equipment ~~within five years before the date of application under R9-26-203 that is still under warranty~~ unless the individual’s disability status ~~has changed during that time the warranty period; and,~~
6. ~~Have returned to the Commission all telecommunications equipment that was distributed to the person by the Commission before June 30, 2002.~~

R9-26-203. Application Process

To apply for telecommunications equipment under the Program, an eligible person shall:

1. ~~Request~~ Obtain an application for participation in the Program from the Commission; and
2. Complete and return the application to the Commission with:
 - a. Certification from an authorized person described under R9-26-204 that the applicant has a hearing or speech-related disability and needs the telecommunication equipment requested on the application;
 - b. The eligible person’s authorization for the Commission to use the information provided in the application to administer the Program; and
 - ~~b.c.~~ As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant’s presence in the U.S. is authorized under federal law.

R9-26-204. Persons Authorized to Certify Need for Telecommunications Equipment

- A. The following licensed professionals may certify an applicant’s hearing or speech-related disability and need for the requested telecommunications equipment:
 1. A dispensing audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
 2. An audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
 3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13 or 17;
 4. A physician assistant licensed in accordance with A.R.S. Title 32, Chapter 25;
 5. A nurse practitioner licensed in accordance with A.R.S. Title 32, Chapter 15;
 6. A speech-language pathologist licensed in accordance with A.R.S. Title 36, Chapter 17;
 7. A hearing aid dispenser licensed in accordance with A.R.S. Title 36, Chapter 17; or
 8. A vocational rehabilitation counselor as defined at R9-26-201.
- B. By certifying a hearing or speech-related disability and need for the requested telecommunications equipment, the certifier attests that the certifier:
 1. Is authorized to certify under subsection (A);
 2. Has evaluated the applicant’s hearing or speech-related disability to determine the applicant’s need for the telecommunications equipment requested on the application; and
 3. Has determined that the applicant will benefit from the telecommunications equipment requested on the application.

R9-26-205. Vouchers

- A. The Commission shall issue to an eligible applicant an individually numbered voucher for a specified dollar amount for the applicant to purchase telecommunications equipment for which the applicant has a certified need. The applicant shall use the voucher only to purchase the telecommunications equipment specified on the voucher.
- B. Vouchers are non-transferable and have no cash value.
- C. A voucher expires 90 days after its issuance date.
- D. If a voucher is lost or stolen, the applicant may apply contact program staff for a replacement voucher ~~by requesting, completing and returning to the Commission a replacement voucher form in which the applicant~~ shall attest under penalty of perjury that:
 1. The original voucher was stolen or lost; and
 2. If the original voucher is recovered, the applicant shall return the original voucher to the Commission within 30 days after the voucher is recovered.

R9-26-207. Confidentiality

- A. ~~The~~ As specified under R9-26-203, the Commission shall use the information provided by ~~the Program’s Program~~ applicants or recipients ~~in the course of the administration of the Program~~ solely to administer the Program.
- B. ~~The~~ Except as provided under subsection (A), the Commission shall not disclose the name of an applicant for or recipient of telecommunications equipment without a written request for disclosure. Even with a written request for disclosure, the Commission shall not disclose personal identifying or protected health information regarding an applicant or recipient.

ARTICLE 5. INTERPRETER LICENSURE AND REGULATION

R9-26-501. Definitions

In addition to the definitions in A.R.S. §§ 12-242 and 36-1941, in this Article, the following definitions apply unless otherwise specified:
 “ACCI” means American Consortium of Certified Interpreters, an organization that certifies interpreters at one of three levels: ACCI Generalist, ACCI Advanced, or ACCI Master.

“Accredited” means approved by a regional or national accrediting agency recognized by the U.S. Department of Education.

- “Applicant” means an individual seeking an original or renewal license from the Commission.
- “Application” means the documents, forms, and additional information required by the Commission to be submitted by or on behalf of an applicant.
- “BEI” means Board for Evaluation of Interpreters.
- “CASLI” means the Center for the Assessment of Sign Language Interpretation, which administers the examinations used by RID in national certification programs.
- “CDI” means certified deaf interpreter, a certification issued by RID or BEI.
- “CI” means certificate of interpretation, a certification issued by RID.
- “CIC” means Court Interpreter Certification, a legal specialist certification issued by BEI.
- “CLIP-R” means conditional legal interpreting permit--relay, a certification issued by RID to a deaf or hard-of-hearing interpreter or transliterator who works in a legal setting.
- “Continuing education” means a workshop, seminar, lecture, conference, class, or other educational activity relevant to the practice of interpreting.
- “CSC” means comprehensive skills certificate, a certification issued by RID.
- “CT” means certificate of transliteration, a certification issued by RID.
- “Deaf interpreter” means an individual who is deaf or hard of hearing and provides interpreting for deaf individuals with special language needs.
- “EIPA” means educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.
- “Generalist interpreter” means an individual who provides interpreting in any community setting, except a legal setting, for which the individual is qualified by education, examination, and work history. A generalist interpreter provides interpreting in a legal setting only if appointed by a judge under A.R.S. § 12-242.
- “IC” means interpretation certificate, a certification issued by RID.
- “Intermediary Level III or V” means a certification issued by BEI for interpreters who are deaf or hard of hearing.
- “Interpreter” means an individual who provides interpreting between American Sign Language and English.
- “Legal interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting in a legal setting.
- “Class A legal interpreter” means a legal interpreter who provides interpreting in court proceedings or any other legal setting, as prescribed under A.R.S. § 12-242, and meets the certification requirement under R9-26-504(A)(1)(a). ~~An individual who is licensed by the Commission as a Class A legal interpreter on the date this Section takes effect, shall meet the certification requirement under R9-26-504(A)(1)(a) no later than the individual’s renewal date, as specified in R9-26-507(A), in 2023.~~
- “Class C legal interpreter” means a legal interpreter who provides interpreting in a legal setting, as prescribed under A.R.S. § 12-242, when teamed with a Class A legal interpreter and meets the certification requirement under R9-26-504(A)(1)(b).
- “Class D legal interpreter” means a legal interpreter who meets the certification requirement under R9-26-504(A)(1)(c) and is either a deaf or hard-of-hearing interpreter or an oral transliterator.
- “Legal training” means a structured program presented by the Commission, a court, Bar Association, law-enforcement association, RID, accredited institution, or comparable organization, providing information relevant to legal interpreting such as the following:
- The requirements of A.R.S. § 12-242,
 - The structure of the judiciary system of this state,
 - The judiciary process of this state,
 - Administrative adjudicatory procedures,
 - Law enforcement procedures, or
 - Commonly used legal terms.
- “Level III, IV, or V” means a certification issued by BEI.
- “Licensee” means an interpreter who holds a current license issued under A.R.S. § 36-1974 and this Article.
- “License year” means the days between the date of license issuance and the date of license expiration.
- “Mentor” means an individual licensed under R9-26-503 or R9-26-504 who agrees to assist a provisional licensee to develop as an interpreter by occasionally observing the provisional licensee providing interpreting services and providing feedback.
- “MCSC” means master comprehensive skills certificate, a certification issued by RID.
- “NAD” means the National Association of the Deaf.
- “NAD III (generalist),” means a certification issued by NAD.

- “NAD IV (advanced),” means a certification issued by NAD.
- “NAD V (master),” means a certification issued by NAD.
- “NIC” means National Interpreter Certification.
- “NIC Advanced” means a certification issued by NAD-RID.
- “NIC Certified” means a certification issued by NAD-RID.
- “NIC Master” means a certification issued by NAD-RID.
- “OC:B” means oral certificate: basic, a certification issued by BEI.
- “OC:C” means oral certificate: comprehensive, a certification issued by BEI.
- “OIC” means oral interpreting certificate, a certification issued by RID in one of three categories: comprehensive, spoken to visible, or visible to spoken.
- “Oral transliteration” means to facilitate communication between an individual who is deaf or hard of hearing and an individual who hears by using inaudible speech and natural gestures to convey a message to the deaf or hard-of-hearing individual and understanding and verbalizing the message and intent of the speech and mouth movements of the individual who is deaf or hard of hearing.
- “OTC” means oral transliteration certificate, a certification issued by RID.
- “Platform or performance setting” means an environment involving an appearance by a designated speaker or performers, typically on a raised surface.
- “Provisional interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID, NAD, or BEI certification.
- “Class A provisional interpreter” means a provisional interpreter who provides oral transliteration and is working towards certification by RID, NAD, or BEI. A Class A provisional interpreter shall not provide interpreting services in a legal setting.
- “Class B provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services without a team interpreter licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) and (b), except in a medical, mental health, platform or performance, or legal setting. A Class B provisional interpreter may provide interpreting services in a medical, mental health, or platform or performance setting only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class B provisional interpreter shall not provide interpreting services in a legal setting.
- “Class C provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class C provisional interpreter shall not provide interpreting services in a legal setting.
- “Class D provisional interpreter” means a provisional interpreter who is deaf or hard of hearing and is qualified to provide interpreting services only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or (b) or R9-26-504(A)(1)(a) through (c). A Class D provisional interpreter shall not provide interpreting services in a legal setting.
- “Qualified interpreter” means an individual licensed under this Chapter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary required by the interpreting situation.
- “RID” means Registry of Interpreters for the Deaf.
- “RSC” means reverse skills certificate, a certification issued by RID.
- “SC:L” means specialist certificate: legal, a certification issued by RID.
- “SC:PA” means specialist certificate: performing arts, a certification issued by RID.
- “TC” means transliteration certificate, a certification issued by RID.
- “State-issued certification” means a certification issued by a state regulatory board to an individual who demonstrates knowledge, skills, and abilities that meet or exceed the minimum needed by an American Sign Language interpreter to perform competently in a specified setting.
- “Team” means two or more licensed interpreters, at least one of whom is licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), providing interpreting for an individual or group of individuals during a single interpreting session.
- “Trilingual Advanced or Master” means a specialist certification issued by BEI for interpreters of Spanish, English, and American Sign Language.
- “Unprofessional conduct,” as used in A.R.S. § 36-1976, means:
- Violation of the NAD-RID Code of Professional Conduct, 2005, which is incorporated by reference and available from the Commission and RID, 333 Commerce Street, Alexandria, VA 22314, or www.rid.org. The material incorporated includes no later edition or amendment; or
 - Failure to comply with a provision of A.R.S. Title 36, Chapter 17.1, Article 2 or this Chapter.

“VRI” means video remote interpreting, a service that uses video telecommunication devices to provide interpreting between or among individuals who are at one or more locations separate from the interpreter.

R9-26-503. Application for Generalist Interpreter License

- A.** To apply for a generalist interpreter license, an applicant shall:
1. Comply with R9-26-502; and
 2. Submit a photocopy of current documentation showing that the applicant holds one or more of the following certifications:
 - a. Hearing interpreters: NAD III, IV, or V; RID CI, CSC, CT, IC, MCSC, RSC, SC:L, SC:PA, or TC; NIC Certified, Advanced, or Master; or BEI Levels III, IV, or V, Basic, Advanced, Master, Trilingual Advanced, Trilingual Master, CIC, or other certification deemed appropriate by the Commission;
 - b. Deaf interpreters: RID CDI, CLIP-R, or SC:L; BEI Intermediary Level III or V, CDI, or other certification deemed appropriate by the Commission; or
 - c. Oral interpreters: RID OIC or OTC, BEI OC:B or OC:C, or other certification deemed appropriate by the Commission.
- B.** If an applicant’s documentation of certification expires during the licensure process, the Commission shall not complete the licensure process until the applicant submits current documentation of certification.

R9-26-505. Application for Provisional Interpreter License

- A.** To apply for a provisional interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:
1. Education. The following hours of participation in an interpreter-preparation training program offered by an accredited college or university or approved by RID, NAD, or BEI:
 - a. Class A or D provisional license: 40 hours; and
 - b. Class B or C provisional license: 80 hours;
 2. Examination. Pass the written portion of the RID, NAD, or BEI examination; and
 3. Work experience. The following hours of interpreting for which a license is not required under A.R.S. § 36-1971:
 - a. Class A provisional license: 24 hours;
 - b. Class B provisional license:
 - i. A score of at least 4.0 on the EIPA performance test; or
 - ii. ACCI certification; or
 - iii. A state-issued certification or certificate of competency in good standing;
 - c. Class C provisional license: 80 hours; and
 - d. Class D provisional license: 40 hours.
- B.** In addition to the documentation required under subsection (A), an applicant for a Class B provisional license shall:
1. Have a letter submitted directly to the Commission by an individual licensed under R9-26-503 or R9-26-504 indicating that the individual agrees to:
 - a. Act as a mentor to the applicant if the applicant is granted a provisional license;
 - b. Observe the provisional licensee providing interpreting services at least once each month;
 - c. Provide feedback to the provisional licensee following each observation; and
 - d. Provide 30-days’ notice to the provisional licensee and the Commission before terminating the mentoring relationship; and
 2. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
 - a. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided;
 - b. Make the record maintained under subsection (B)(2)(a) available to the Commission annually at license renewal; and
 - c. Provide 30 days’ notice to the Commission and the mentor before terminating the mentoring relationship; or
 3. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
 - a. Team with an individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b) for at least eight hours each month;
 - b. Maintain a journal that records the dates on which and the name of the licensee with whom teaming was done and a summary of any feedback provided; and
 - c. Make the journal maintained under subsection (B)(3)(b) available to the Commission annually upon license renewal.
- C.** The Commission shall accept the following documentation of the criteria in subsection (A):
1. Education. A photocopy of documents showing that the applicant completed the hours required under subsection (A)(1);
 2. Examination. A photocopy of the letter provided by RID, NAD, or BEI indicating that the applicant passed the written portion of the RID, NAD, or BEI examination;
 3. Work experience.
 - a. One or more letters, each of which is signed by an individual or a representative of an entity for whom the applicant provided interpreting, indicating:
 - i. The name of the applicant,
 - ii. The dates on which interpreting was provided, and
 - iii. The hours of interpreting provided by the applicant; or
 - b. One or more paystubs, each of which indicates:
 - i. The name of the applicant,
 - ii. The job title of the applicant,
 - iii. The dates on which interpreting was provided by the applicant, and
 - iv. The hours of interpreting provided by the applicant, and
 - c. For an applicant for a Class B provisional license:
 - i. A photocopy of the letter provided by EIPA indicating the applicant’s score on the EIPA performance test,
 - ii. A photocopy of the applicant’s ACCI certificate, or

- iii. A photocopy of the applicant's state-issued certification or certificate of competency in good standing.

R9-26-507. License Renewal**A. Renewal of a generalist or legal interpreter license.**

1. A generalist or legal interpreter license expires one year after the license is issued. To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the expiration date, submit to the Commission a license renewal application form that provides the following information about the licensee:
 - a. Full name;
 - b. Social Security number;
 - c. Home or business address;
 - d. E-mail address;
 - e. Home, business, or mobile telephone number;
 - f. The start and end dates of the applicant's current certification cycle with RID, NAD, or BEI, as applicable;
 - g. Name of any state or country in which the licensee is currently licensed or certified to practice as an interpreter, the license or certificate number, date issued and date of expiration, and a statement whether the license or certificate is or has been the subject of discipline during the previous year and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
 - h. A statement of whether the licensee has been denied a license or certificate to practice as an interpreter by a licensing authority during the previous year and if the answer is yes, a complete explanation of the denial including date, name of the interpreter licensing authority, and reason for denial;
 - i. A statement of whether the licensee has been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction during the previous year and if the answer is yes, a complete explanation of the charge and place and date of conviction;
 - j. A statement of whether the licensee has been adjudicated insane or incompetent during the previous year and if the answer is yes, a complete explanation including date and place of adjudication;
 - k. A statement of whether the applicant's NAD, RID, or BEI certification lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
 - l. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
 - m. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any;
 - n. A statement of whether the applicant's NAD, RID, or BEI certification was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any, and if discipline was imposed, a statement of whether the notice required under R9-26-518 was submitted to the Commission;
 - o. A statement of whether the applicant completed any continuing education during the previous year and if so, the number of hours completed; and
 - p. A statement signed by the licensee verifying the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
2. In addition to the license renewal application form required under subsection (A)(1), the generalist or legal licensee shall submit or have submitted on the licensee's behalf:
 - a. A photocopy of current documentation showing the applicant's NAD, RID, or BEI certification is in good standing. If the licensee's documentation expires during the renewal process, the Commission shall not complete the license renewal process until the licensee submits a photocopy of current documentation;
 - b. If the answer to any item in subsections (A)(1)(g) through (A)(1)(m) is yes, a copy of any relevant order; and
 - c. The fee required under R9-26-508.
3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the license expiration date, the license expires. The former licensee may renew the expired license by complying with subsections (A)(1) and (A)(2), and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired. If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.
4. If an expired license is not renewed under subsection (A)(3), the former licensee may obtain a license only by applying as a new applicant.

B. Renewal of a provisional interpreter license.

1. A provisional interpreter license expires one year after the date of issuance.
2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the expiration date, submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
3. In addition to the license renewal application form required under subsection (B)(2), the provisional licensee shall submit or have submitted on the licensee's behalf:
 - a. If the answer to any item in subsections (A)(1)(h) through (A)(1)(m) is yes, a copy of any relevant order;
 - b. Documentation required under R9-26-510(C) that demonstrates compliance with the continuing education requirement in R9-26-510; and
 - c. The fee required under R9-26-508;
 - d. If a Class B provisional licensee wishes to renew the Class B provisional license, letters that meet the standards at R9-26-505(B)(1) and (2) or a letter that meets the standards at R9-26-505(B)(3); and
 - e. If a Class C provisional licensee wishes to renew the Class C provisional license, an affirmation that the licensee has provided and will continue to provide interpreting services only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b); or

- f. If a Class C provisional licensee wishes to move to a Class B provisional license:
 - i. Letters that meet the standards at R9-26-505(B)(1) and (2) or a letter that meets the standards at R9-26-505(B)(3), and
 - ii. Evidence required under R9-26-505(C)(3)(a) or (b) showing at least 500 hours of work experience earned while working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), or
 - iii. A score of at least 4.0 on the EIPA performance test.
- 4. If a provisional licensee fails to comply with subsections (B)(2) and (3) on or before the license expiration date, the license expires. Unless the expired provisional license has previously been renewed under subsections (B)(2) and (3), the former licensee may renew the expired license by complying with subsections (B)(2) and (3) and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired. If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.
- 5. The Commission shall not issue a provisional interpreter license to an interpreter for more than five years over the interpreter's lifetime ~~except that if an interpreter is unable to pursue RID, NAD, or BEI certification because the testing necessary for certification is unavailable due to the COVID-19 pandemic, the Commission shall renew the provisional interpreter license of any interpreter who:~~
 - ~~a. Complies fully with this subsection;~~
 - ~~b. Held a valid provisional interpreter license in its final renewal year on December 30, 2020; and~~
 - ~~c. Obtains certification by RID, NAD, or BEI no later than the interpreter's renewal date, as specified in subsection (B)(1), in 2023.~~
- C. If the documentation previously submitted under R9-26-502(B)(4) was a limited form of work authorization issued by the federal government, an applicant for license renewal shall submit evidence that the work authorization has not expired.
- D. The Commission shall require a licensee to submit the information required under R9-26-502(B)(5) every five years so an updated photograph is used in the identification badge required under R9-26-515.

R9-26-509. Procedures for Processing Applications; Time Frames

- A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing time frames:
 - 1. Administrative completeness review time frame: 30 days;
 - 2. Substantive review time frame: 60 days; and
 - 3. Overall time frame: 90 days.
- B. The administrative completeness review time frame listed in subsection (A)(1) begins on the date the Commission receives a license application or license renewal application. During the administrative completeness review time frame, the Commission shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Commission shall specify in the notice what information is missing.
- C. An applicant with an incomplete application shall supply the missing information within 30 days from the date of the notice. Both the administrative completeness review and overall time frames are suspended from the date of the Commission's notice until the date that the Commission's office receives all missing information.
- D. Upon receipt of all missing information, the Commission shall notify the applicant that the application is complete. The Commission shall not send a separate notice of completeness if the Commission grants or denies a license within the administrative completeness review time frame in subsection (A)(1).
- E. The substantive review time frame listed in subsection (A)(2) begins on the date of the Commission's notice of administrative completeness or on expiration of the time listed in subsection (A)(1).
- F. If the Commission determines during the substantive review time frame that additional information is needed, the Commission shall send the applicant a comprehensive written request for the additional information. The applicant shall supply the additional information within 60 days from the date of the request. Both the substantive review and overall time frames are suspended from the date on the Commission's request until the date the Commission office receives the additional information.
- G. If an applicant needs additional time in which to respond under subsection (C) or (F), the applicant shall submit a written notice of a 120-day extension to the Commission before expiration of the time to respond ~~that includes the date by which the applicant will submit the information. The applicant shall establish an extension date that is no more than 120 days from the date established under subsection (C) or (F).~~
- H. If an applicant fails to submit information within the time provided under subsection (C) or (F) or as extended under subsection (G), the Commission shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.
- I. Within the time listed in subsection (A)(3), the Commission shall:
 - 1. Grant a license to an applicant who meets the requirements in A.R.S. § 36-1973 and this Article, or
 - 2. Deny a license to an applicant who does not meet the requirements in A.R.S. § 36-1973 or this Article.
- J. If the Commission denies a license, the Commission shall send the applicant a written notice explaining:
 - 1. The reason for the denial with citations to supporting statutes or rules,
 - 2. The applicant's right to appeal the denial and have a hearing,
 - 3. The time for appealing the denial, and
 - 4. The applicant's right to request an informal settlement conference.

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

[R24-286]

PREAMBLE

- 1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039(B) by the governor on: August 20, 2024
2. Article, Part, or Section Affected (as applicable) Rulemaking Action
R18-13-308 Amend
3. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 49-104
Implementing statute: A.R.S. § 49-761(A) and A.R.S. § 49-761(I)
4. The effective date of the rule:
February 4, 2025
a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable.
b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
Not applicable.
5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final rule:
Notice of Rulemaking Docket Opening: 29 A.A.R. 3537; Issue date: November 10, 2023; Issue number: 45; File number: R23-222
Notice of Proposed Rulemaking: 30 A.A.R. 1006; Issue date: May 17, 2024; Issue number: 20, File number: R24-82
6. The agency’s contact person who can answer questions about the rulemaking:
Name: Matt Rippentrop
Title: Rule Writer
Division: Waste Programs Division
Address: Department of Environmental Quality
Waste Program Division
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4329
Email: rippentrop.matt@azdeq.gov
7. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Summary: This rule reduces the current statewide frequency of collection requirement for garbage from twice a week to once a week. This rule retains the variance procedure to allow for collection less than once a week and simplifies the process by allowing counties to grant a variance without state involvement. Other changes include providing a definition of collection agency, allowing a county to request ADEQ to assume variance functions, and allowing counties to designate the relevant county department to assume variance functions.

Background: Since 1962, Arizona has had a statewide rule that garbage (or refuse) has to be collected twice a week. This rule was one of several Department of Health Services (DHS) rules adopted by the State Board of Health to control potential health and nuisance issues that had arisen in the absence of any rules. In 1976, a variance from the twice weekly requirement was added to allow some flexibility and to avoid unnecessary expense. In 1987, ADEQ inherited these DHS rules. Under the current variance program, collection agencies may be authorized to deviate from the twice-weekly collection requirement to a once-weekly collection upon approval and subsequent submittal of a collection entity plan by the local health department to ADEQ. To receive and maintain a variance, the plan must demonstrate the variance would not create a public health nuisance or other vector related issues.

Rule scope and explanation. ADEQ has spent significant time considering the appropriate scope of this rule, including potential recycling or diversion targets. This includes several stakeholder meetings. Questions from and discussion with the public have included impacts of a change to current collection rates, implications for current local waste management plans, and the effect on recycling within the state.

Collection of residential and commercial garbage is such a commonplace activity throughout Arizona as well as the United States that it is often taken for granted and its significance ignored. In Arizona, much of what is thrown away ends up in landfills. Over

the past several decades, recycling options have become more popular. Separate recycling collections were employed taking advantage of the ease with which a second garbage collection could be avoided. Initially, this rulemaking was undertaken with the intent to strengthen diversion programs and recycling within the state. There was concern expressed that the current variance process was overly cumbersome and subject to revocation without condition, resulting in a stifling of recycling and diversion efforts within the state. ADEQ began considering and soliciting public feedback on two options. The first option was to change the minimum frequency of collection required by the state from twice weekly to once weekly. The second option was to develop a secondary variance process based on diversion metrics which would be more secure against revocation with the intent of encouraging recycling and diversion.

In rounds of discussions with stakeholders, counties and municipalities expressed being in favor of a minimum frequency of collection of once weekly. However, while diversion and recycling efforts are important components to many local waste management programs, a secondary diversion variance like the one initially proposed was determined to be overly complex. There were concerns raised on implementation and proper tracking. In rounds of discussion and further consideration, it became clear any successful recycling and diversion initiatives would require rule changes; agency and political subdivision investment; and public participation that was beyond the scope of any change to the frequency of collection. Further, recycling's success is dependent on market rates for recycled commodities and consumer participation in sorting recyclables. To ensure a successful recycling or diversion program, all of these components must be addressed, which cannot be accomplished by amending R18-13-308. As ADEQ explored various ideas related to this rule, it became clear that whatever transformations to the frequency of collection rule could be implemented, R18-13-308 was not the appropriate tool to improve recycling in Arizona. Ultimately, ADEQ determined it appropriate to keep the scope of this rule narrowed to streamlining the state minimum for the frequency of collection, which includes minimizing unnecessary duplicate state involvement in the variance process.

This rule reduces the state collection requirement to once a week, lessening the need to obtain a variance. Based on the information at hand, there is no indication that twice weekly collection is necessary to prevent vectors, hazards, or other public health nuisances. Several of Arizona's neighboring states, including New Mexico, Nevada, and California, require collection once weekly by state rule, with local municipalities maintaining the ability to require a higher collection rate. No reported problems with vectors or excessive waste accumulation has occurred. The rule also retains, but simplifies, the variance process by allowing counties to grant a variance without state involvement. ADEQ has no record of ever denying or revoking a variance.

Further, this rule does not change the authority of political subdivisions to set collection rates or implement local waste management plans tailored to their unique needs and circumstances. Counties and local jurisdictions continue to have the discretion to set their frequency schedule to more than once weekly without the need for a variance or receiving approval from ADEQ. A.R.S. § 49-765 empowers counties, cities, and towns to establish regulation for collection of solid waste equal to or more stringent than those regulations promulgated by ADEQ. This rule does not impact whatever current authority exists for counties to establish fees related to collection frequency or variances

Informal Comment: From discussions and feedback, stakeholders raised concerns with the change from a twice weekly to once weekly minimum frequency of collection requirement; namely, the potential impact on current diversion or recycling efforts within political subdivisions. Maricopa County expressed that current requirements under their collection variance include certain waste diversion and recycling elements. By changing to a once weekly minimum frequency, this variance to once weekly from twice weekly would now be redundant and diversion and recycling requirements under the variance would be lost. A related concern raised by the public as well is that currently some local collection jurisdictions substitute one of the two weekly pickups with recycling, and that a once weekly minimum frequency of collection would result in the secondary recycling pickup being canceled. ADEQ appreciates these concerns. However, recycling and waste diversion are not currently components of R18-13-308, and whatever source of authority that led to the inclusion of these components in any variance is in no way altered or diminished. As R18-13-308 sets standards only for the collection of garbage and refuse, any separate scheduled recycling collection requirements at the county or local level would not be nullified by this rule change as the source of authority for these recycling collections does not originate from R18-13-308. Further, ADEQ does not envision the terms or requirements of variance agreements, such as diversion requirements or recycling pick-up, to become invalidated or inoperable as an operation of this rule. It continues to be within the power and discretion of political subdivisions to provide for more stringent collection, including recycling collection, requirements to address the particular needs of their jurisdictions. Counties and local municipalities retain the same authority and power to establish and maintain regulations for collection of solid waste more stringent than those regulations promulgated by ADEQ, including both collection frequency and other requirements such as diversion and sanitation standards.

Another concern raised was the potential for overfill or unsanitary conditions if the minimum frequency of collection was lowered to once weekly. ADEQ does not foresee these problems resulting from the change to the minimum frequency of collection. Many cities currently with a variance only collect garbage once weekly with no reported problems. As stated above, this change to the frequency of collection does not impact or diminish the powers of counties and municipalities to enact solid waste collection regulations. Further, other existing minimums and requirements throughout Article 3, Refuse and Other Objectionable Waste, remain unchanged and in force. This includes responsibility of relevant parties to maintain sanitary conditions, requirements and standards for storage of waste to ensure sanitary conditions, vehicle use and maintenance requirements, and standards for methods of disposal. Finally, ADEQ has approved all 43 variance applications received since the implementation of the frequency of collection and variance rule. Under the variance program, once weekly collection has become the typical collection frequency throughout the state.

8. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

ADEQ reviewed a 2017 Maricopa Association of Governments (MAG) Solid Waste Best Practices regional study. This study involved a survey of 27 MAG member agencies to identify and assess solid waste best practices being implemented. ADEQ found that there is nothing to indicate the state reducing the minimum collection frequency requirement from twice weekly to once

weekly would have an adverse impact on solid waste best practices of local communities.

The MAG study may be found here: <https://azmag.gov/Portals/0/Documents/MagContent/Solid-Waste-Best-Practices-Report-2017-update-FINAL.pdf>.

9. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

10. A summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

Identification of the rulemaking: This rule amends R18-13-308 to reduce the current statewide frequency of collection requirement for garbage from twice a week to once a week. This rule retains the variance procedure to allow for collection less than once a week, but removes ADEQ from the variance process by allowing counties to grant a variance to a collection agency without state involvement. A county may request that ADEQ assume the functions of granting and revoking variances.

The development and implementation of waste management plans, including collection frequency and other requirements, primarily falls under the purview of the counties and political subdivisions. This rule does not change the authority of political subdivisions to set collection rates or implement local waste management plans tailored to their unique needs and circumstances. Instead, this rule is intended to eliminate unnecessary duplicative effort between the state and local governments and establish a more appropriate minimum frequency for collection. Counties continue to have the discretion to set their frequency schedule to more than once weekly without the need for a variance or receiving approval from ADEQ. A.R.S. § 49-765 empowers counties, cities, and towns to establish regulation for collection of solid waste equal to or more stringent than those regulations promulgated by ADEQ. This rule does not impact whatever current authority exists for counties to establish regulations and standards related to collection frequency or variances.

This rule also establishes a definition of “collection agency” for purposes of R18-13-308 and allows a county to assign variance functions to whatever county department the county believes would be the most appropriate.

Identification of the persons who will be directly affected by, bear the costs of, or directly benefit from the proposed rulemaking: Stakeholders for this rulemaking include all 15 counties within the state, local municipalities, including cities and towns, local regulatory agencies or health departments, entities operating as collection agencies offering collection or transportation of garbage, which may include local governments or commercial services, and the general public.

The stakeholders most directly affected by these rule changes are most likely to be those counties with existing frequency of collection variances approved with ADEQ and collection agencies operating in jurisdictions adhering to the current twice weekly frequency of collection minimum that would change to the new once weekly minimum following this rule.

Cost/Benefit Analysis: This cost/benefit analysis includes an analysis of the following elements pursuant to A.R.S. § 41-1055(B)(3):

- **Probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking:** probable benefits to ADEQ by the implementation and enforcement of this rule include a reduction to waste program costs from removal of ADEQ from the variance approval process. To date, ADEQ has approved 100% of all frequency of collection variance requests it has received under the current rule, approximately 43. Removing ADEQ from variance approval allows ADEQ to reallocate the time and personnel previously conducting variance review, approval, and record maintenance for variances to other waste program operations.

ADEQ does not anticipate appreciable costs to itself associated with the implementation or enforcement of this rule. ADEQ does not anticipate any significant costs or benefits to other state agencies associated with the implementation or enforcement of this rule.

- **Probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking:** probable benefits to political subdivisions by the implementation and enforcement of this rule include a more expeditious approval of frequency of collection variances for those counties that would continue to seek a variance. Under the rule, the new standardized minimum frequency of collection is once weekly. If collection of once weekly is not necessary for a particular jurisdiction to ensure no public health hazards or nuisances will exist and that fly breeding will be controlled, each additional week in delay of the approval of a variance to a more appropriate frequency of collection rate results in accumulating costs to operate collection services at that frequency. By increasing the speed at which a variance is approved, these costs can be mitigated.

Waste collection costs for political subdivisions and local jurisdictions are significant. Capital equipment maintenance and replacement represent a large portion of these costs. While cities have different policies for replacing their equipment, within the industry side-load trucks are generally replaced every seven years. Factors that drive replacement other than age are mileage, hours, and cost of repairs and maintenance. Vehicle mileage, hours of operations, and frequency of repairs will be higher the more frequently the collection vehicles must be operated. The longevity and useful life of capital equipment, such as collection vehicles, can be extended and thus associated maintenance and replacement costs reduced by counties implementing a variance for an appropriate frequency of collection rate that is reflective of local needs and circumstances. Thus, overall waste collection costs may be reduced.

ADEQ does not anticipate appreciable costs to political subdivisions by the implementation and enforcement of this rule.

- **Probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking:** businesses directly affected by the proposed rule include any business operating as a collection agency offering garbage collection as a commercial ser-

vice within a county or municipality. Counties and political subdivisions have broad discretion in establishing requirements of waste management and collection programs to fit their individualized needs. This rule is intended to eliminate duplicative effort in oversight by streamlining the variance process and establish a more reasonable minimum standard for collection frequency. This rule does not change the primary role counties and political subdivisions have in setting standards and requirements for waste management within their jurisdictions.

If a county currently follows the minimum collection frequency of twice weekly under the current rule and elects to then follow the new minimum collection frequency of once weekly under the rule, this may impact operations of a business that is employed as a collection agency for the county. However, ADEQ has received no indication that this change to collection frequency as described and corresponding impact to a business employed as a collection agency will result from this rule change. As such, ADEQ does not anticipate appreciable costs to businesses directly affected by the implementation and enforcement of this rule.

ADEQ finds that the benefits associated with this rule change outweigh any foreseen or anticipated costs.

General description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the proposed rulemaking: This rule will lower the minimum frequency of collection from twice weekly to once weekly. Further, this rule will provide that a variance may be granted to allow for frequency of collection of less than once weekly, instead of the current variance of once weekly. These changes to collection frequency could potentially impact the employment, personnel, or equipment needs of collection agencies. However, this rule does not change or diminish other regulatory requirements concerning waste collection. Further, this rule does not change or diminish the authority of counties and local municipalities to enact more stringent regulations than those promulgated by ADEQ. As such, ADEQ estimates this rulemaking will not have an appreciable impact on public or private employment.

Probable impact of the proposed rulemaking on small businesses: Arizona law defines “small business” for the purpose of this analysis as a “concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year.” See A.R.S. § 41-1001(23). The probable impact on small businesses includes an analysis of the following elements pursuant to A.R.S. § 41-1055(B)(5):

- Identification of the small businesses subject to the rulemaking: Small businesses that may be subject to this rulemaking are those small businesses operating as collection agencies within a county or local jurisdiction that currently adheres to the twice weekly minimum collection frequency and that would change to the once weekly minimum collection frequency following this rule.
- Administrative and other costs required for compliance with the proposed rulemaking: Political subdivisions and collection agencies currently collecting twice weekly that would change to once weekly with this change to the minimum collection frequency may need to make modifications to collection scheduling and related processes, but costs to do so should be minimal.
- Description of the methods prescribed in A.R.S. § 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method:
 - Establish less stringent compliance or reporting requirements in the rule for small businesses. Compliance and reporting requirements are not a component of or impacted by this rulemaking.
 - Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
 - Compliance and reporting requirements are not a component of or impacted by this rulemaking. There are no associated schedules or deadlines regulated parties, including small businesses, are subject to under this rulemaking.
 - Consolidate or simplify the rule's compliance or reporting requirements for small businesses. Compliance and reporting requirements are not a component of or impacted by this rulemaking; as such, there are no requirements to consolidate or simplify.
 - Establish performance standards for small businesses to replace design or operational standards in the rule. There are no design and operation standards established by this rule.
 - Exempt small businesses from any or all requirements of the rule. Maintaining a minimum collection frequency is necessary to ensure the prevention of vectors, hazards, or public health nuisances. As such, it is necessary that any collection agency that may be classified as a small business be subject to the same minimum standard as any other collection agency.
- Probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking: The probable costs and benefits to private persons and consumers is described above. Probable benefits include the elimination of unnecessary duplicative effort between ADEQ and counties, allowing for the faster and more efficient implementation of variances a county may elect to pursue. Nevertheless, implementation of waste management plans primarily falls under the jurisdiction of counties and local municipalities. This rule does not change the primary role that counties and local municipalities play in the development and implementation of waste management within their jurisdictions. As such, ADEQ does not anticipate any appreciable costs to private persons and consumers.

Probable effect on state revenues: ADEQ does not anticipate this rulemaking to result in a significant impact on state revenues.

Description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking: This rulemaking is the least intrusive and costly means possible to achieve the same objectives.

Description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data: Any data or reasoning which this rulemaking is based on is identified in the “Rule Scope and Explanation” portion of the Notice of Final Rulemaking located in Part 7. Generally, no new data was introduced or reviewed to make these rule changes.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

No changes were made to the rule between the proposed rulemaking and final rulemaking.

12. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

During the formal comment period ADEQ received one comment expressing support for the change of the minimum frequency of collection. Refer to the “Informal Comment” portion located in Part 7 above for a discussion on comments and feedback received from stakeholders prior to the formal comment period.

13. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No such analysis was submitted.

14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable.

15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable.

16. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT**

ARTICLE 3. REFUSE AND OTHER OBJECTIONABLE WASTES

Section

R18-13-308. Frequency of Collection; Variance

ARTICLE 3. REFUSE AND OTHER OBJECTIONABLE WASTES

R18-13-308. Frequency of Collection; Variance

A. ~~The frequency of collection of garbage, refuse, rubbish, and ashes shall be in accordance with rules of the collection agency but except that the frequency of collection shall not be less than once per week, that shown in the following schedules:~~

- ~~1. Garbage only — twice weekly.~~
- ~~2. Refuse with garbage — twice weekly.~~
- ~~3. Rubbish and ashes — as often as necessary to prevent nuisances and fly breeding.~~

B. A variance from the required frequency of collection in subsection (A) rate may be granted by the county department designated by the county to approve variances to allow for the collection of garbage less than once weekly. The variance may be granted by the Department of Environmental Quality upon submission of an acceptable plan by the collection agency approved by to the designated county local health department demonstrating that no public health hazards or nuisances will exist and that fly breeding will be controlled by either biological, chemical, or mechanical means. The variance may be revoked whenever the Department of Environmental Quality designated county department determines that the circumstances warranting the variance no longer exist.

C. A county may request the Department of Environmental Quality to assume the functions of granting and revoking variances under this Section.

D. For the purposes of this Section, “collection agency” means a city, town, person, or commercial service that offers collection or transportation of garbage, refuse, rubbish, and ashes as a service.

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
 PM = Proposed amended Section
 PR = Proposed repealed Section
 P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
 SPM = Supplemental proposed amended Section
 SPR = Supplemental proposed repealed Section
 SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
 FM = Final amended Section
 FR = Final repealed Section
 F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
 PSMM = Proposed Summary amended Section
 PSMR = Proposed Summary repealed Section
 PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
 FSMM = Final Summary amended Section
 FSMR = Final Summary repealed Section
 FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
 PEM = Proposed Expedited amended Section
 PER = Proposed Expedited repealed Section
 PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
 SPEM = Supplemental Proposed Expedited amended Section
 SPER = Supplemental Proposed Expedited repealed Section
 SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
 FEM = Final Expedited amended Section
 FER = Final Expedited repealed Section
 FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT**

XN = Exempt new Section
 XM = Exempt amended Section
 XR = Exempt repealed Section
 X# = Exempt renumbered Section

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
 PXM = Proposed Exempt amended Section
 PXR = Proposed Exempt repealed Section
 PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
 SPXR = Supplemental Proposed Exempt repealed Section
 SPXM = Supplemental Proposed Exempt amended Section
 SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
 FXM = Final Exempt amended Section
 FXR = Final Exempt repealed Section
 FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
 EM = Emergency amended Section
 ER = Emergency repealed Section
 E# = Emergency renumbered Section
 EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
 TM = Terminated proposed amended Section
 TR = Terminated proposed repealed Section
 T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired
 See also “emergency expired” under emergency rulemaking

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2025 RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
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1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the *Register* weekly. There is a three-week delay between the deadline date and the *Register* publication date. The weekly deadline dates (*first column*) and issue dates (*second column*) are shown below. Council meetings and *Register* deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements, following publication of the notice in the *Register*.

Deadline Date Friday, 5:00 p.m.	<i>Register</i> Publication Date	Oral Proceeding may be scheduled on or after <i>(*later date due to holiday)</i>
October 11, 2024	November 1, 2024	December 2, 2024
October 18, 2024	November 8, 2024	December 9, 2024
October 25, 2024	November 15, 2024	December 16, 2024
November 1, 2024	November 22, 2024	December 23, 2024
November 8, 2024	November 29, 2024	December 30, 2024
November 15, 2024	December 6, 2024	January 6, 2025
November 22, 2024	December 13, 2024	January 13, 2025
November 29, 2024	December 20, 2024	January 20, 2025
December 6, 2024	December 27, 2024	January 27, 2025
December 13, 2024	January 3, 2025	February 3, 2025
December 20, 2024	January 10, 2025	February 10, 2025
December 27, 2024	January 17, 2025	February 17, 2025
January 3, 2025	January 24, 2025	February 24, 2025
January 10, 2025	January 31, 2025	March 3, 2025
January 17, 2025	February 7, 2025	March 10, 2025
January 24, 2025	February 14, 2025	March 17, 2025
January 31, 2025	February 21, 2025	March 24, 2025
February 7, 2025	February 28, 2025	March 31, 2025
February 14, 2025	March 7, 2025	April 7, 2025
February 21, 2025	March 14, 2025	April 14, 2025
February 28, 2025	March 21, 2025	April 21, 2025
March 7, 2025	March 28, 2025	April 28, 2025
March 14, 2025	April 4, 2025	May 5, 2025
March 21, 2025	April 11, 2025	May 12, 2025
March 28, 2025	April 18, 2025	May 19, 2025
April 4, 2025	April 25, 2025	May 27, 2025
April 11, 2025	May 2, 2025	June 2, 2025
April 18, 2025	May 9, 2025	June 9, 2025
April 25, 2025	May 16, 2025	June 16, 2025

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines under A.R.S. § 41-1013(B)(15).

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <https://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2024/2025
(MEETING DATES ARE SUBJECT TO CHANGE)

[M23-72]/[M24-54]

*Materials must be submitted by 5 P.M. on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday October 22, 2024	Tuesday November 19, 2024	Tuesday November 22, 2024	Tuesday December 3, 2024
Tuesday December 24, 2024	Tuesday January 21, 2025	Tuesday January 28, 2025	Tuesday February 4, 2025
Tuesday January 21, 2025	Wednesday February 19, 2025	Tuesday February 25, 2025	Tuesday March 4, 2025
Tuesday February 18, 2025	Tuesday March 18, 2025	Tuesday March 25, 2025	Tuesday April 1, 2025
Tuesday March 18, 2025	Tuesday April 22, 2025	Tuesday April 29, 2025	Tuesday May 6, 2025
Tuesday April 22, 2025	Tuesday May 20, 2025	Wednesday May 28, 2025	Tuesday June 3, 2025
Tuesday May 20, 2025	Tuesday June 17, 2025	Tuesday June 24, 2025	Tuesday July 1, 2025
Tuesday June 17, 2025	Tuesday July 22, 2025	Tuesday July 29, 2025	Tuesday August 5, 2025
Tuesday July 22, 2025	Tuesday August 19, 2025	Tuesday August 26, 2025	Wednesday September 3, 2025
Tuesday August 19, 2025	Tuesday September 23, 2025	Tuesday September 30, 2025	Tuesday October 7, 2025
Tuesday September 23, 2025	Tuesday October 21, 2025	Tuesday October 28, 2025	Tuesday November 4, 2025
Tuesday October 21, 2025	Tuesday November 18, 2025	Tuesday November 25, 2025	Tuesday December 2, 2025
Tuesday December 23, 2025	Wednesday January 21, 2026	Tuesday January 27, 2026	Tuesday February 3, 2026