

# Arizona Administrative REGISTER

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**DIRECTOR**  
Public Services Division  
Scott Cancelosi

**PUBLISHER**  
Secretary of State  
**MICHELE REAGAN**

**RULES MANAGING EDITOR**  
Arizona Administrative Register  
Rhonda Paschal

# From the Publisher

## ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and 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 Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

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 the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. 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 copy.

# Arizona Administrative REGISTER

Vol. 22

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**PUBLISHER**  
SECRETARY OF STATE  
Michele Reagan

### **PUBLIC SERVICES STAFF**

**DIRECTOR**  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

**PRINTING**  
Demetrius Russaw

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### **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.

### **CONTACT US**

The Honorable Michele Reagan  
Office of the Secretary of State  
1700 W. Washington Street, Fl. 7  
Phoenix, AZ 85007  
(602) 364-3224

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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.

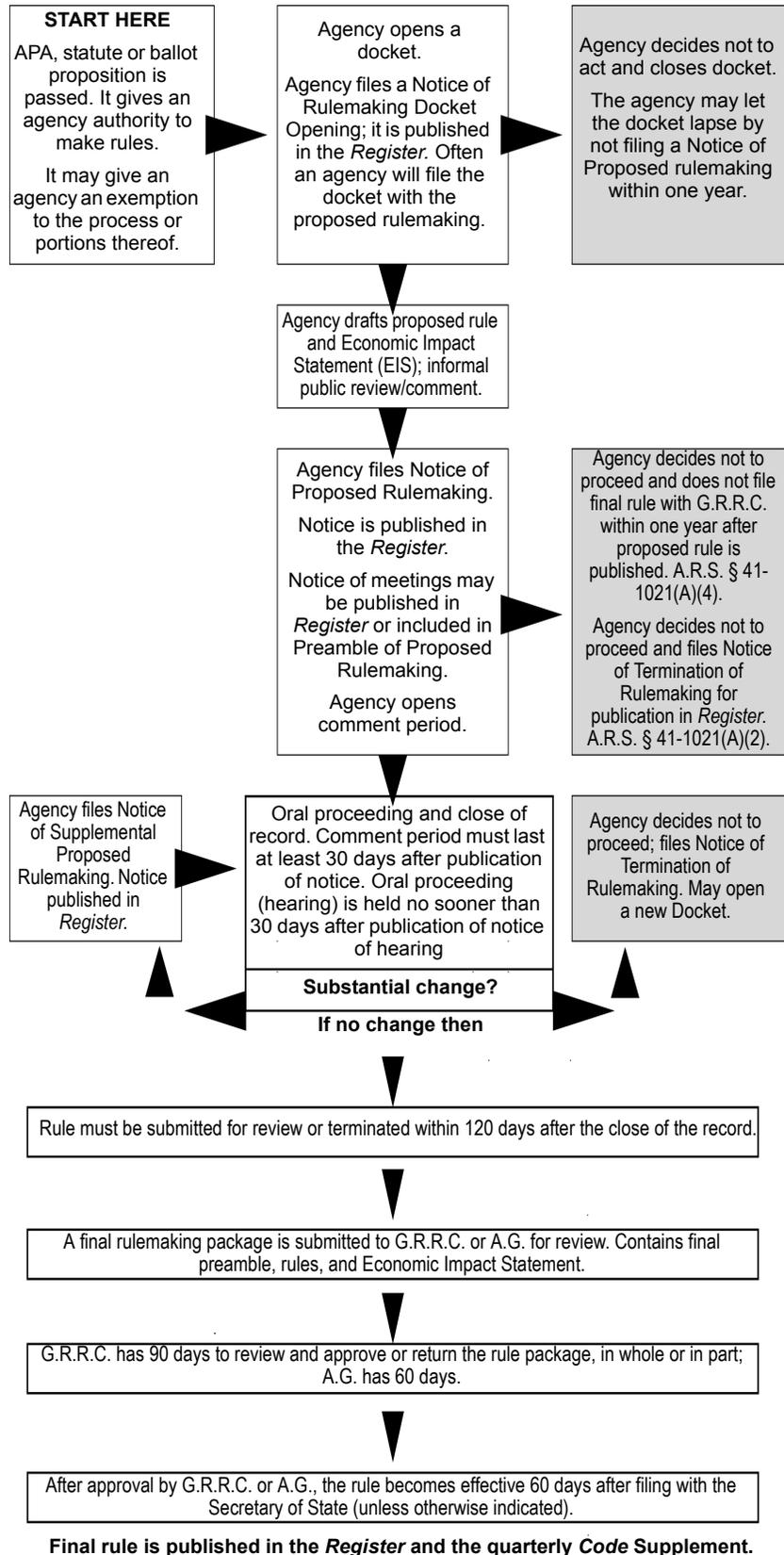
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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](http://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](http://www.azsos.gov).

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

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## NOTICES OF FINAL RULEMAKING

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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.

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 2. ADMINISTRATION

#### CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R16-01]

#### PREAMBLE

- 1. Articles, Parts, and Sections Affected (as applicable)**      **Rulemaking Action**

R2-8-115	Amend
R2-8-118	Amend
R2-8-122	Amend
R2-8-126	Amend
  
- 2. 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. § 38-714(E)(4)  
Implementing statutes: A.R.S. §§ 38-711, 38-720, 38-735, 38-736, 38-737, 38-740, 38-762, 38-764, 38-769, 38-771, 38-771.01, 38-774
  
- 3. The effective date for the rules:**

March 6, 2016

  - 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
  
- 4. Citations 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: 21 A.A.R. 1834, September 11, 2015  
Notice of Proposed Rulemaking: 21 A.A.R. 2281, October 9, 2015
  
- 5. The agency's contact person who can answer questions about the rulemaking:**

Name: Jessica A. Ross, Rules Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Ste. 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-Mail: JessicaR@azasrs.gov
  
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The ASRS needs to clarify approximately four (4) rules within Article 1. R2-8-115 needs to reflect that Ending Payroll Verification must be completed electronically by the employer. The rule also needs to state that the ASRS may require a copy of a government issued ID to verify the identity of a withdrawing member who has been inactive for 5+ years and has \$1,000+ on their account balance. R2-8-118 needs to be amended to clarify that "voluntary addi-



tional contributions” refers to contributions that are made pursuant to a service purchase, reinstatement, etc. R2-8-122 needs to be amended to be more concise by referring to the ASRS by the agency acronym and by removing unnecessary language such as “without limitation.” The ASRS needs to amend R2-8-126 subsections (B), (C), and (D) to better clarify for which annuity options each age group is eligible.

With the exception of the ID addition to R2-8-115, the amendments outlined above will clarify the rule language without substantively changing the rules’ requirements, thereby reducing the regulatory burden imposed on the public. Amending R2-8-115 to require ID verification as indicated will prevent potential fraud against the agency by ensuring that the correct person is requesting withdrawal of an inactive member’s account. This rulemaking will help the ASRS control and mitigate possible delays associated with a withdrawal of an inactive member’s account, resulting in the more efficient operation and administration of the ASRS.

7. **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 reviewed.
8. **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
9. **A summary of the economic, small business, and consumer impact:**  
There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies requirements that the ASRS enforces in rule already. There may be some additional cost to some members who must provide documentation to verify their identity when specific criteria are present as mentioned above. However, those costs should be minimal because the ASRS will accept a copy of any government issued ID for such verification purposes.
10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**  
The ASRS chose not to remove the definition of “process date” from R2-8-115 because that term is still used in subsections (D)(7)(d) and (F) of the rule.
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**  
The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on November 10, 2015.
12. **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 rules do not require a permit.
  - 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 applies to retirement programs. However, there is no federal law specifically applicable to 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:**  
No analysis was submitted.
13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**  
No materials are incorporated by reference.
14. **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
15. **The full text of the rules follows:**

## TITLE 2. ADMINISTRATION

### CHAPTER 8. STATE RETIREMENT SYSTEM BOARD



ARTICLE 1. RETIREMENT SYSTEM; DEFINED BENEFIT PLAN

- Section
- R2-8-115. Return of Contributions Upon Termination of Membership by Separation from All ASRS Employment by Other Than Retirement or Death; Payment of Survivor Benefits Upon the Death of a Member
- R2-8-118. Application of Interest Rates
- R2-8-122. Remittance of contributions
- R2-8-126. Calculating Benefits

ARTICLE 1. RETIREMENT SYSTEM; DEFINED BENEFIT PLAN

**R2-8-115. Return of Contributions Upon Termination of Membership by Separation from All ASRS Employment by Other Than Retirement or Death; Payment of Survivor Benefits Upon the Death of a Member**

- A. The following definitions apply to this Section unless otherwise specified:
  - 1. "Acceptable documentation" means any ASRS form request containing all the accurate, required information, dates, and signatures necessary to process the form request.
  - 2. "Eligible retirement plan" means the same as in A.R.S. § 38-770(D)(3).
  - 3. "Employer number" means a unique identifier the ASRS assigns to a member employer.
  - 4. "Employer plan" means the types of eligible retirement plans specified in A.R.S. § 38-770(D)(3)(c), (d), (e), and (f).
  - 5. "Process date" means the calendar day the ASRS generates contribution withdrawal documents to be sent to a member.
  - 6. "Warrant" means a voucher authorizing payment of funds due to a member.
- B. No change
- C. Upon ~~receipt of the request to withdraw by the member~~, the ASRS shall provide ~~the member with~~:
  - 1. An Application for Withdrawal of Contributions and Termination of Membership form to the member, and
  - 2. An Ending Payroll Verification - Withdrawal of Contribution and Termination of Membership form, ~~and~~ to the employer.
  - 3. ~~The process date.~~
- D. The member shall complete and return to the ASRS the Application for Withdrawal of Contributions and Termination of Membership form that includes the following information:
  - 1. The member's full name;
  - 2. The member's Social Security number;
  - 3. The member's current mailing address;
  - 4. The member's daytime telephone number, if applicable;
  - 5. The member's birth date;
  - 6. The date of termination;
  - 7. Dated signature of the member certifying that the member:
    - a. Is no longer employed by any ASRS employer;
    - b. Is neither under contract nor has any verbal or written agreement for future employment with an ASRS employer;
    - c. Is not currently in a leave of absence status with an ASRS employer;
    - d. Understands that each of the member's former ASRS employers' ~~payroll departments~~ will complete a payroll verification form if payroll transactions occurred with the ASRS employer within the six months before the process date;
    - e. Has read and understands the Special Tax Notice Regarding Plan Payments the member received with the application;
    - f. Understands that the member is forfeiting all future retirement rights and privileges of membership with the ASRS;
    - g. Understands that long-term disability benefits will be canceled if the member elects to withdraw contributions while receiving or electing to receive long-term disability benefits;
    - h. Understands that if the member elects to roll over all or any portion of the member's distribution to another employer plan, it is the member's responsibility to verify that the receiving employer plan will accept the roll-over and, if applicable, agree to separately account for the pre-tax and post-tax amounts rolled over and the related subsequent earnings on the amounts;
    - i. Understands that if the member elects to roll over all or any portion of the member's distribution to an individual retirement account, it is the member's responsibility to separately account for pre-tax and post-tax amounts; and
    - j. Understands that if the member elects a rollover to another employer plan or individual retirement account, any portion of the distribution not designated for rollover will be paid directly to the member and any taxable amounts will be subject to 20% federal income tax withholding and 5% state tax withholding;
  - 8. Specify that:



- a. The entire amount of the distribution be paid directly to the member,
  - b. The entire amount of the distribution be transferred to an eligible retirement plan, or
  - c. An identified amount of the distribution be transferred to an eligible retirement plan and the remaining amount be paid directly to the member; and
9. If the member selects all or a portion of the withdrawal be paid to an eligible retirement plan, specify:
- a. The type of eligible retirement plan;
  - b. The eligible retirement plan account number, if applicable; and
  - c. The name and mailing address of the eligible retirement plan.
- E.** If the member requesting the withdrawal has been inactive for five years or more, and if the member's account balance is \$1,000 or more, the member requesting the withdrawal shall provide a copy of a driver license or a form of other government issued identification to the ASRS.
- F.** ~~If a payroll transaction for the member occurred with any ASRS employer within six months before the process date the member each ASRS employer shall complete and return to the ASRS an Ending Payroll Verification - Withdrawal of Contributions and Termination of Membership form for each ASRS employer electronically that includes the following information:~~
- ~~1. Filled out by the member:~~
    - ~~a.~~ The member's full name; ~~and;~~
    - ~~b.~~ The member's Social Security number; ~~and~~
  - ~~2. Filled out by each ASRS employer:~~
    - ~~a.~~ The member's termination date;
    - ~~b.~~ The member's final pay period ending date;
    - ~~e.~~ The final amount of contributions, including any adjustments or corrections, but not including any long-term disability contributions;
    - ~~d.~~ The ASRS employer's name and telephone number;
    - ~~e.~~ The employer number;
    - ~~f.~~ The name and title of the authorized employer representative;
    - ~~g.~~ Certification by the authorized employer representative that:
      - ~~i.~~ The member terminated employment and is neither under contract nor bound by any verbal or written agreement for employment with the employer;
      - ~~ii.~~ There is no agreement to re-employ the member; and
      - ~~iii.~~ The authorized employer representative has the legal power to bind the employer in transactions with the ASRS; and
    - ~~h.~~ The signature of the authorized employer representative and date of signature.
- G.** If the member requests a return of contributions and a warrant is distributed during the fiscal year that the member began membership in the ASRS, no interest is paid to the account of the member.
- H.** If the member requests a return of contributions after the first fiscal year of membership, the ASRS shall credit interest at the rate specified in Column 3 of the table in R2-8-118(A) to the account of the member as of June 30 of each year, on the basis of the balance in the account of the member as of the previous June 30. The ASRS shall credit interest for a partial fiscal year of membership in the ASRS on the previous June 30 balance based on the number of days of membership up to and including the day the ASRS issues the warrant divided by the total number days in the fiscal year. Contributions made after the previous June 30 are returned without interest.
- I.** Upon submitting to the ASRS the completed and accurate Application for Withdrawal of Contributions and Termination of Membership form and, if applicable, after the ASRS has received any Ending Payroll Verification - Withdrawal of Contributions and Termination of Membership forms, a member is entitled to payment of the amount due to the member as specified in subsection ~~(F)(G)~~ or ~~(G)(H)~~ unless a present or former spouse submits to the ASRS a domestic relations order that specifies entitlement to all or part of the return of contributions under A.R.S. § 38-773 before the ASRS returns the contributions as specified by the member.
- J.** Upon the death of a member, the ASRS shall distribute the survivor benefits according to the most recent, acceptable documentation that is on file with the ASRS that was received prior to the date of the member's death, unless otherwise provided by law.
- K.** If there is no designation of beneficiary or if the designated beneficiary predeceases the member, the survivor benefit is paid as specified in A.R.S. § 38-762(E). The designated beneficiary or other person specified in A.R.S. § 38-762(E) shall:
1. Provide a certified copy of a death certificate or a certified copy of a court order that establishes the member's death;
  2. Provide a certified copy of the court order of appointment as administrator, if applicable; and
  3. Except if the deceased member was retired and elected the joint and survivor option, complete and have notarized an application for survivor benefits, provided by the ASRS, that includes:
    - a. The deceased member's full name,
    - b. The deceased member's Social Security number,
    - c. The following, as it pertains to the designated beneficiary or other person specified in A.R.S. § 38-762(F):
      - i. Full name;
      - ii. Mailing address;



- iii. Contact telephone number;
- iv. Date of birth, if applicable; and
- v. Social Security number or Tax ID number, if applicable.

**R2-8-118. Application of Interest Rates**

- A. No change
- B. At the beginning of each fiscal year, interest is credited to the retirement account of each member on the June 30 that marks the end of the fiscal year based on the balance in the member’s account as of the previous June 30. The balance on which interest is credited includes:
  - 1. Employer and employee contributions;
  - 2. Voluntary additional contributions made by members pursuant to A.R.S. §§ 38-742, 38-743, 38-744, and 38-745, if applicable;
  - 3. Amounts credited by transfer under A.R.S. § 38-924; and
  - 4. Interest credited in previous years.

**R2-8-122. Remittance of contributions**

- A. Remittance of employee member contributions: Each state department and employer member of the ~~Arizona State Retirement System ASRS~~, including, ~~without limitation~~, any county, municipality or political subdivision, shall certify on each payroll the amount to be contributed by each one of their employee members of the ~~Arizona State Retirement System ASRS~~ and shall remit the amount of employee member contributions to the ~~Arizona State Retirement System ASRS~~, together with such detailed report as may be required by the ~~System ASRS~~ to identify the individual owner of each such member contribution, not later than 14 calendar days after the last day of each payroll period. Payments of employee member contributions not received in the offices of the ~~Arizona State Retirement System ASRS~~ by the 14th calendar day after the last day of the applicable payroll period shall become delinquent after that date and shall be increased, by interest at the rate of eight percent per annum from and after the date of delinquency until payment is received by the ~~Arizona State Retirement System ASRS~~.
- B. Remittance of employer contributions: Each state department and employer member of the ~~Arizona State Retirement System ASRS~~, including, ~~without limitation~~, any county, municipality or political subdivision, shall remit the amount of employer contributions to the ~~Arizona State Retirement System ASRS~~ not later than 14 calendar days after the last day of each payroll period. Payments of employer contributions not received in the offices of the ~~Arizona State Retirement System ASRS~~ by the 14th calendar day after the last day of the applicable payroll period shall become delinquent after that date and shall be increased, by interest at the rate of eight percent per annum from and after the date of delinquency until payment is received by the ~~Arizona State Retirement System ASRS~~.

**R2-8-126. Calculating Benefits**

- A. No change
- B. An individual who is 104 years of age or older at the time of retirement ~~and who elects a life annuity~~ is not eligible to select ~~the an~~ option of ~~income for five years certain and for life thereafter~~ life annuity with a term certain.
- C. An individual who is 93 years of age or older at the time of retirement ~~and who elects a life annuity~~ is not eligible to select the ~~option~~ options of ~~income for~~ life annuity with ten years certain and or life annuity with 15 years certain. ~~for life thereafter~~.
- D. An individual who is 85 years of age or older at the time of retirement ~~and who elects a life annuity~~ is not eligible to select the option of ~~income for~~ life annuity with 15 years certain and for life thereafter.
- E. No change
- F. No change
- G. No change
- H. No change
- I. Notwithstanding subsection (H), a member who is ten or more years older than the member’s ex-spouse contingent annuitant is eligible to participate in a 100% joint-and-survivor option, if:
  - 1. The member selected the ex-spouse as the contingent annuitant prior to divorce from the ex-spouse; and
  - 2. The member submits a DRO to the ASRS which requires the ex-spouse to be the contingent annuitant on the member’s account.
- J. Notwithstanding subsection (H), a member who is 24 or more years older than the member’s ex-spouse contingent annuitant is eligible to participate in a 66 2/3% joint-and-survivor option, if:
  - 1. The member selected the ex-spouse as the contingent annuitant prior to divorce from the ex-spouse; and
  - 2. The member submits a DRO to the ASRS which requires the ex-spouse to be the contingent annuitant on the member’s account.



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2016-01

The Governor’s Council on the Sharing Economy

[M16-01]

WHEREAS, global revenues for the five main sharing sectors are projected to increase from around \$15 billion today to \$335 billion by 2025 according to a report by PricewaterhouseCoopers;

WHEREAS, the economic impact of the innovative sharing economy cannot be ignored or stifled;

WHEREAS, Arizona has already taken steps to welcome and expand this growing market, possessing one of the most attractive legal environments for ridesharing companies in the nation;

WHEREAS, it is a policy of this state to encourage entrepreneurial activity, economic growth, and job creation in the sharing economy;

WHEREAS, industries in the sharing economy provide goods and services to Arizonans conveniently and affordably

WHEREAS, the state should further its efforts designed to improve the regulatory environment for the sharing economy;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Arizona Constitution and laws of the State of Arizona hereby declare the following:

- 1. The Governor’s Council on the Sharing Economy is established to provide advice and direction on advancing Arizona’s sharing economy.
a. Members of the Council shall be appointed by, and serve without compensation, at the pleasure of the Governor,
b. The Council shall consist of five private sector leaders, free enterprise advocates and small business people demonstrating experience or knowledge in the sharing economy,
c. The Governor shall appoint a Council chairperson.
2. The duties of the Council include, but are not limited to, the following:
a. Develop recommendations on how to improve the legal and regulatory environment for Arizona’s sharing economy,
b. Identify state regulations that impose, or could potentially impose, a burden on the sharing economy, and
c. Provide legislative recommendations that foster innovation in the sharing economy.
3. All State agencies, offices, boards and commissions shall undertake any necessary steps to support the sharing economy. This includes, without limitation, encouraging industry-driven self-regulation, the reduction of regulatory burdens, and support for entrepreneurship and innovative business models. Agencies, offices, boards and commissions shall refrain from regulating these businesses without first demonstrating a unique and critical need.
4. All political subdivisions of the State are encouraged to adopt a similar welcoming approach for the sharing economy within their own jurisdiction and may work with the Council to develop the best local policies for economic success.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this Eleventh day of January in the Year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**

**Michele Reagan**  
**Secretary of State**

**EXECUTIVE ORDER 2016-02****The Arizona Sexual Assault Evidence Collection Kit Task Force**

[M16-02]

**WHEREAS**, Arizona prosecutors use evidence obtained from sexual assault kits to convict dangerous sex offenders;

**WHEREAS**, Arizona's policies for tracking and processing sexual assault kits requires evaluation and reform;

**WHEREAS**, the lack of a uniform process among jurisdictions has resulted in a backlog of over 2,300 untested sexual assault kits in Maricopa County alone, and an unknown number of untested sexual assault kits statewide;

**WHEREAS**, government serves an important role in protecting public safety and ensuring justice for all citizens, including victims of sexual assault;

**WHEREAS**, processing of these kits is a critical first step in bringing justice for victims and holding offenders accountable for their crimes;

**WHEREAS**, a statewide collaborative effort dedicated to developing recommendations for a standard statewide protocol for sexual assault evidence collection kits will advance justice for the citizens of the State of Arizona;

**NOW, THEREFORE, I**, Douglas A. Ducey, by virtue of the authority vested in me by the Arizona Constitution and laws of the State of Arizona, hereby establish the Arizona Sexual Assault Evidence Collection Kit Task Force and order as follows:

1. The Governor shall appoint all members. Membership shall include, but is not limited to, one representative from each of the following:
  - a. The Arizona Department of Public Safety,
  - b. The Arizona Governor's Office,
  - c. The Governor's Office of Youth, Faith and Family,
  - d. The Arizona Coalition to End Sexual and Domestic Violence,
  - e. The Arizona Voice for Crime Victims,
  - f. An individual with demonstrated experience in the field of social work,
  - g. A health care provider with forensic nurses on staff,
  - h. A member of the Arizona Senate,
  - i. A member of the Arizona House of Representatives,
  - j. A Tribal Chief of Police,
  - k. One police chief, county attorney, or county sheriff with a population greater than 800,000, and
  - l. One police chief, county attorney, or county sheriff with a population less than 800,000.
2. Members of the Task Force serve without compensation and at the pleasure of the Governor.
3. The Governor shall appoint a chairperson.
4. The duties of the Task Force include, but are not limited to, the following:
  - a. Develop and recommend a statewide standard process for testing protocols of sexual assault evidence collection kits, that may incorporate best practices from other jurisdictions,
  - b. Develop and recommend a statewide tracking system for all sexual assault kits,
  - c. Identify and document the locations of all untested sexual assault kits,
  - d. Provide legislative recommendations to ensure that every sexual assault kit be tested in a timely manner in the future,



- e. Develop an ongoing continuing education plan in the areas of investigation, prosecution, and victim engagement, and
  - f. Provide recommendations for funding sources to clear the backlogs, including available grant opportunities.
5. The Task Force shall provide the Governor with a report of their recommendations no later than October 1, 2016.
  6. This Executive Order expires on December 31, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this Eleventh day of January in the Year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

**EXECUTIVE ORDER 2015-06**

**Authority to Conduct Credit, Criminal, and Other Background Checks**

[M15-238]

**WHEREAS**, the Governor of the State of Arizona has statutory authority under Arizona Revised Statutes (A.R.S.) § 41-101, to supervise the official conduct of all executive and ministerial officers and shall have such powers and perform such other duties as devolved upon him by law, and it would be in the best interests of the State to inquire into the character and background of current and prospective gubernatorial appointees and employees of the Office of the Governor; and

**WHEREAS**, the Office of the Governor hires and appoints individuals who have access to financial data, personnel information, and other confidential and sensitive information and who are involved in criminal justice matters, and it is in the best interests of the State to inquire into the character and fitness of such individuals; and

**WHEREAS**, the Arizona Administrative Code (A.A.C.) R2-5A-303, provides that an “appointing authority shall not conduct a criminal background check or a credit check on a candidate unless the agency has statutory or executive order authority to conduct such a check”; and

**WHEREAS**, A.R.S. § 41-1750(G)(5) and Executive Order 88-12, amending in part Executive Order 87-4, authorize the Arizona Department of Public Safety to provide, and the Office of the Governor to receive, criminal history record information as needed to carry out the responsibilities of the Office of the Governor and for the purpose of evaluating the fitness of prospective gubernatorial appointees and employees of the Office of the governor, in accordance with those rules and regulations issued by the Arizona Department of Public Safety; and

**WHEREAS**, Executive Order 2014-03, addresses the authority to conduct credit checks and receive criminal history record information in certain specified instances.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Arizona Constitution and pursuant to the requirements of A.A.C. R2-5A-303, hereby authorize, subject to all existing state and federal laws, rules and regulations regarding background checks, the Office of the Governor to conduct background checks, including criminal background checks and credit checks, of any current or prospective gubernatorial appointee or employee of the Office of the Governor.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this 22nd day of July in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.



**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

**EXECUTIVE ORDER 2015-09**

**Self-Driving Vehicle Testing and Piloting in the State of Arizona; Self-Driving Vehicle Oversight Committee**

[M15-241]

**WHEREAS**, with the development of new technologies, it is now possible to adapt vehicles with “self-driving technology,” meaning a technology installed on a motor vehicle that provides the motor vehicle with the capability to drive without the direct or active control or monitoring by a human operator;

**WHEREAS**, it is in Arizona’s interest to support the development of these technologies, by allowing testing and operation of self-driving vehicles on certain public roads, in order to continue to advance the technology;

**WHEREAS**, the State believes that the development of self-driving vehicle technology will promote economic growth, bring new jobs, provide research opportunities for the State’s academic institutions and their students and faculty, and allow the State to host the emergency of new technologies;

**WHEREAS**, the State has the view that the testing and operation self-driving vehicles could produce transformational social benefits such as the elimination of traffic and congestion, a dramatic increase in pedestrian and passenger safety, the reduction of parking facilities, and the facilitation of movement of residents across the State, and could beneficially contribute to other activities related to the State’s transportation; and

**WHEREAS**, the State has a shared vision that the future of transportation and commerce relies on innovative technologies that could result in more passenger and pedestrian safety, increase mobility options, and foster economic productivity.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona, hereby order as follows:

- (1) The Department of Transportation, Department of Public Safety, and all other agencies of the State of Arizona with pertinent regulatory jurisdiction shall undertake any necessary steps to support the testing and operation of self-driving vehicles on public roads within Arizona.
- (2) Pilot programs will be enabled on campuses of selected universities in partnership with entities that are developing technology for self-driving vehicles, whereby an operator with a valid driver’s license may direct a vehicle’s movement, regardless of whether the operator is physically present in the vehicle or is providing direction remotely while the vehicle is operating in self-driving mode.
- (3) Testing and operation of self-driving vehicles in such pilot programs shall abide by the following rules:
  - (a) Vehicles may be operated only by an employee, contractor, or other person designated or otherwise authorized by the entity developing self-driving technology.
  - (b) Vehicles shall be monitored and an operator shall have the ability to direct the vehicle’s movement if assistance is required.
  - (c) The individuals operating vehicles shall be licensed to operate a motor vehicle in the United States.
  - (d) The vehicle owner shall submit proof of financial responsibility, in an amount and on a form established by the Director of the Arizona Department of Transportation.
- (4) The Director of the Department of Transportation may promulgate additional rules considered necessary to implement this Executive Order.
- (5) There shall be established within the Office of the Governor a Self-Driving Vehicle Oversight Committee (the “Committee”) to advise the Department of Transportation, the Department of Public Safety, the selected universities, and any other pertinent agencies how best to advance the testing and operation of self-driving vehicles on public roads.
  - (a) The Committee shall consist of one or more representatives from the Governor’s Office, the Department of Transportation, the Department of Public Safety, the selected universities, and any other pertinent agency.
  - (b) Members shall be appointed by and serve at the pleasure of the Governor.
  - (c) To the extent necessary, the Committee may, based upon the results of the pilot programs, propose clarifications or changes to State policies, rules or statutes to facilitate the expanded operation of self-driving vehicles on public roads in Arizona.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey  
GOVERNOR

DONE at the Capitol in Phoenix on this 25th day of August in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:  
Michele Reagan  
Secretary of State

EXECUTIVE ORDER 2015-12  
Renewing the Arizona Human Trafficking Council

[M15-345]

WHEREAS, human trafficking is a form of oppression that often targets vulnerable populations; and

WHEREAS, both federal and state law criminalize human trafficking and impose strong penalties on individuals who violate the law; and

WHEREAS, the nature of human trafficking makes it difficult to identify victims; and

WHEREAS, the problem of human trafficking in Arizona persists and more can and should be done to combat this heinous crime; and

WHEREAS, coordination between federal, state, and local governments, agencies, and human service providers is critical to address the issue of human trafficking; and

WHEREAS, the Arizona Human Trafficking Council plays an important role in making recommendations on actions to combat human trafficking as well as to facilitate coordination between all levels of government, non-profit organizations, and other interested parties; and

WHEREAS, our tribal partners are an important voice and should be given representation on this council.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona do hereby renew the Arizona Human Trafficking Council as follows:

- Membership of the Council shall include the following individuals appointed by the Governor:
  - One representative from a county attorney’s office;
  - One representative from the Attorney General’s Office;
  - One representative from the Administrative Office of the Courts;
  - One representative from the Arizona Department of Health Services or the Arizona Health Care Cost Containment System;
  - One representative from the Arizona Department of Public Safety;
  - One representative from the Arizona Department of Transportation;
  - One representative from the Arizona Department of Child Safety;
  - One representative from the Governor’s Office of Youth, Faith, and Family;
  - Two representatives of law enforcement agencies;
  - Two representatives of non-profit organizations that are involved in programs or services related to human trafficking;
  - One survivor of human trafficking;
  - Six members of the public;
  - One representative of a Native American tribe; and
  - At the sole discretion of the Governor, additional members with relevant experience.
- The members of the Council shall serve at the pleasure of the Governor.
- The Governor shall designate two Co-Chairs of the Council
- The Council shall:
  - Collect and analyze data on human trafficking in the state of Arizona;



- Develop recommendations to provide human trafficking victims with appropriate services;
- Foster greater collaboration among law enforcement, non-profit organizations, government agencies, and the community at large to more effectively address human trafficking statewide; and
- Promote public awareness about human trafficking, victim services, and prevention.
- Work to develop and facilitate training for first responders, law enforcement, and professions engaged in human trafficking.
- The Council shall be staffed by the Governor’s Office of Youth, Faith, and Family.
- The Co-Chairs may form an executive committee or other sub-committee as necessary.
- This Executive Order shall take effect immediately upon signature.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this Sixteenth day of December in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

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**REGISTER INDEXES**

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

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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 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 RULMAKING**

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*

**CORRECTIONS**

C = Corrections to Published Rules

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**RULEMAKING ACTIVITY INDEX**

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 2 OF VOLUME 22.**

<p><b>Acupuncture Board of Examiners</b> R4-8-411. EXP-14 R4-8-412. EXP-14</p> <p><b>Corporation Commission - Transportation</b> R14-5-202. EM-5 R14-5-203. EM-5 R14-5-204. EM-5 R14-5-205. EM-5 R14-5-207. EM-5</p>	<p><b>Economic Security, Department of - Developmental Disabilities</b> R6-6-1401. EXP-14</p> <p><b>Environmental Quality, Department of - Air Pollution Control</b> R18-2-709. EXP-15 R18-2-711. EXP-15 R18-2-712. EXP-15 R18-2-713. EXP-15 R18-2-717. EXP-15 R18-2-732. EXP-15</p>
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**OTHER NOTICES AND PUBLIC RECORDS INDEX**

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 2 OF VOLUME 22.**

<p><b><u>Agency Ombudsman, Notices of</u></b> <b>Game and Fish Commission;</b> pp. 62-63 <b>Transportation, Department of;</b> p. 62</p> <p><b><u>Governor's Office</u></b> <b>Executive Order:</b> pp. 19-20 (E.O. #2015-11); 20-21 (E.O. #2015-13); 21-22 (E.O. #2015-01) <b>Proclamations:</b> pp. 23 (M15-350, M15-349); 24 (M15-348); 25 (M15-347); 64 (M15-354, M15-355); 65 (M15-356, M15-357); 66 (M15-358)</p> <p><b><u>Public Information, Notices of</u></b> <b>Arizona Health Care Cost Containment System;</b> p. 49 <b>Environmental Quality, Department of;</b> p. 49</p>	<p><b><u>Rulemaking Docket Opening, Notices of</u></b> <b>Environmental Quality, Department of - Water Pollution Control;</b> 18 A.A.C. 9; pp. 16-17 <b>Environmental Quality, Department of - Water Quality Standards;</b> 18 A.A.C. 11; pp. 17-18</p> <p><b><u>Substantive Policy Statement, Notices of</u></b> <b>Environmental Quality, Department of - Water Pollution Control;</b> pp. 59 <b>Registrar of Contractors;</b> pp. 60-61</p>
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**2016 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										
1/1	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			3/31	5/30			5/31	7/30		



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



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates 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.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from September 4, 2015 to March 18, 2016.



### 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 as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by noon of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit [www.grrc.state.az.us](http://www.grrc.state.az.us).

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 3, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

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



**GOVERNOR'S REGULATORY REVIEW COUNCIL  
NOTICE OF ACTION TAKEN AT THE  
JANUARY 5, 2016 MEETING**

[M16-03]

**FIVE-YEAR-REVIEW REPORTS:****LAW ENFORCEMENT MERIT SYSTEM COUNCIL (F-15-1203)**

Title 13, Chapter 5, Article 1, General Provisions; Article 2, Classification and Compensation; Article 3, Employment; Article 4, Assignments; Article 5, Employee Leave; Article 6, Grievances; Article 7, Discipline and Appeals; Article 8, Separation from Employment; Retirement System Eligibility

**COUNCIL ACTION: APPROVED****ARIZONA COMMISSION FOR POSTSECONDARY EDUCATION (F-15-1204)**

Title 7, Chapter 3, Article 3, Arizona Leveraging Education Assistance Partnership Program; Article 4, Arizona Private Postsecondary Education Student Financial Assistance Program

**COUNCIL ACTION: APPROVED****ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (F-15-1206)**

Title 18, Chapter 6, Article 1, Numeric Values and Information Submittal; Article 3, Groundwater Protection List

**COUNCIL ACTION: APPROVED****ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (F-15-1207)**

Title 18, Chapter 9, Article 2, Aquifer Protection Permits – Individual Permits

**COUNCIL ACTION: APPROVED****ARIZONA NATUROPATHIC PHYSICIANS MEDICAL BOARD (F-16-0101)**

Title 4, Chapter 18, Article 6, Naturopathic Medical Assistants

**COUNCIL ACTION: APPROVED****ARIZONA DEPARTMENT OF HEALTH SERVICES (F-16-0102)**

Title 9, Chapter 18, Article 1, Per Capita Matching Funds

**COUNCIL ACTION: APPROVED****CITIZENS CLEAN ELECTIONS COMMISSION (F-16-0104)**

Title 2, Chapter 20, Article 1, General Provisions; Article 2, Compliance and Enforcement Procedures; Article 3, Standard of Conduct for Commissioners and Employees; Article 4, Audits; Article 5, Rulemaking; Article 6, Ex Parte Communications; Article 7, Use of Funds and Repayment

**COUNCIL ACTION: TABLED****RULES:****ARIZONA STATE RETIREMENT SYSTEM (R-16-0101)**

Title 2, Chapter 8, Article 1, Retirement System; Defined Benefit Plan

Amend: R2-8-115; R2-8-118; R2-8-122; R2-8-126

**COUNCIL ACTION: APPROVED****ARIZONA STATE BOARD OF OPTOMETRY (R-16-0102)**

Title 4, Chapter 21, Article 1, General Provisions; Article 2, Licensing Provisions; Article 3, Standards; Record-keeping; Rehearing or Review of Board Decision

Amend: R4-21-101; R4-21-102; R4-21-103; R4-21-201; R4-21-202; R4-21-203; R4-21-205; R4-21-206;  
R4-21-208; R4-21-209; R4-21-210; R4-21-211; R4-21-302; R4-21-305; R4-21-306; R4-21-308;



Table 1

New Section: R4-21-205.1

Repeal: R4-21-213

**COUNCIL ACTION: APPROVED**

**GOVERNOR'S REGULATORY REVIEW COUNCIL  
NOTICE OF ACTION TAKEN AT THE  
DECEMBER 1, 2015 MEETING**

[M15-425]

**FIVE-YEAR-REVIEW REPORTS:**

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY (F-15-1001)**

Title 6, Chapter 6, Article 1, General Provisions; Article 3, Eligibility for Developmental Disabilities Services; Article 4, Application; Article 5, Admission/Redetermination/ Termination; Article 6, Program Services; Article 8, Programmatic Standards and Contract Monitoring for Community Residential Settings; Article 9, Managing Inappropriate Behaviors; Article 10, Child Developmental Foster Home License; Article 11, Adult Developmental Home License; Article 12, Cost of Care Portion; Article 13, Coordination of Benefits, Third-party Payments; Article 15, Standards for Certification of Home and Community-based Service (HCBS) Providers; Article 16, Abuse and Neglect; Article 18, Administrative Review; Article 20, Contracts; Article 21, Division Procurement and Rate Setting -Qualified Vendors; Article 22, Appeals and Hearings; Article 23, Deemed Status

**COUNCIL ACTION: APPROVED**

**ARIZONA DEPARTMENT OF GAMING (F-15-1104)**

Title 19, Chapter 2, Article 1, Horse Racing; Article 2, Racing Regulation Fund; Article 3, Greyhound Racing; Article 4, Advanced Deposit Wagering, Teletracking, and Simulcasting; Article 5, Pari-Mutuel Wagering; Article 6, State Boxing Administration

**COUNCIL ACTION: APPROVED**

**ARIZONA ACUPUNCTURE BOARD OF EXAMINERS (F-15-1201)**

Title 4, Chapter 8, Article 1, General Provisions; Article 2, Acupuncture Licensing, Visiting Professor Certificate; Article 3, Auricular Acupuncture Certification; Article 4, Training Programs and Continuing Education; Article 5, Supervision, Recordkeeping; Article 6, Complaints, Hearing Procedures, Discipline; Article 7, Public Participation Procedures

**COUNCIL ACTION: APPROVED**

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (F-15-1202)**

Title 18, Chapter 2, Article 7, Existing Stationary Source Performance Standards; Article 9, New Source Performance Standards; Article 11, Federal Hazardous Air Pollutants; Appendix 8, Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions

**COUNCIL ACTION: APPROVED**

**RULES:**

**ARIZONA STATE BOARD OF COSMETOLOGY (R-15-1202)**

Title 4, Chapter 10, Board of Cosmetology

Amend: R4-10-102; R4-10-107; R4-10-110

**COUNCIL ACTION: APPROVED**



**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R-15-1204)**

Title 9, Chapter 22, Article 7, Standards for Payments

Amend: R9-22-712.05

**COUNCIL ACTION: APPROVED**

**ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS (R-15-1203)**

Title 4, Chapter 26, Board of Psychologist Examiners

Amend: R4-26-101; R4-26-102; R4-26-104; R4-26-105; R4-26-106; R4-26-107; R4-26-108; R4-26-201;  
R4-26-202; R4-26-203; R4-26-203.01; R4-26-204; R4-26-205; R4-26-206; R4-26-207; R4-26-208;  
Table 1; R4-26-209; R4-26-210; R4-26-211; R4-26-301; R4-26-302; R4-26-303; R4-26-304;  
R4-26-305; R4-26-308

New Section: R4-26-203.02; R4-26-203.03; R4-26-309; R4-26-310

Repeal: R4-26-103

**COUNCIL ACTION: APPROVED**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R-15-1201)**

Title 9, Chapter 22, Article 7, Standards for Payments

Amend: R9-22-712.07

**COUNCIL ACTION: APPROVED**