



# Arizona Administrative REGISTER

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**DIRECTOR**  
*Administrative Rules 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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., and 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 page.

# Arizona Administrative REGISTER

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**PUBLISHER**  
SECRETARY OF STATE  
Michele Reagan

**ADMINISTRATIVE RULES STAFF**  
DIRECTOR  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

**ADMINISTRATIVE REGISTER**  
This publication is available online for free at [www.azsos.gov](http://www.azsos.gov).

**ADMINISTRATIVE CODE**  
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

**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**  
Administrative Rules Division  
Office of the Secretary of State  
1700 W. Washington Street, Fl. 2  
Phoenix, AZ 85007  
(602) 364-3223

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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.

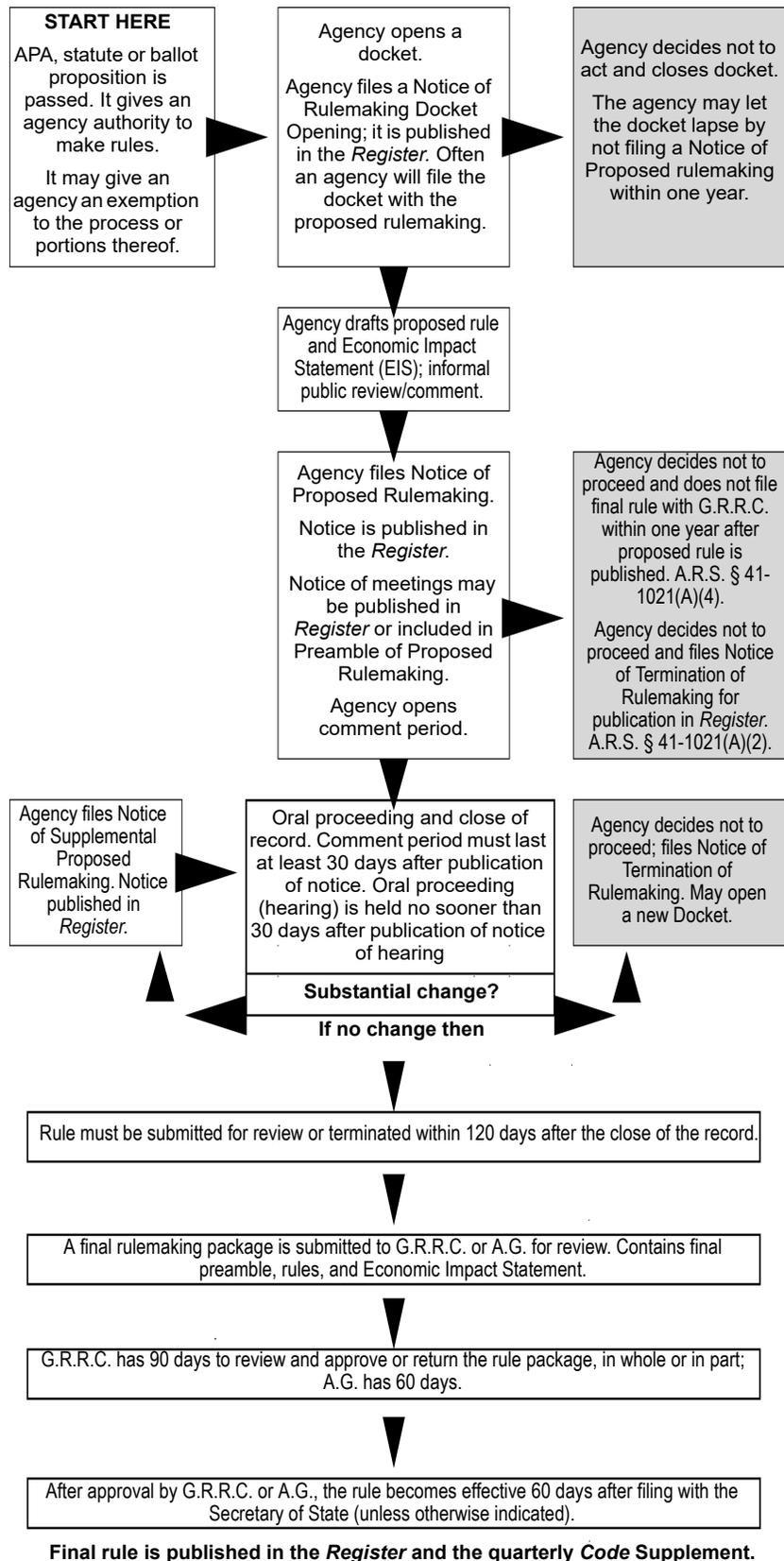
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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.



**NOTICES OF PROPOSED RULEMAKING**

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the *Administrative Procedure Act* (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING  
TITLE 2. ADMINISTRATION  
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

[R18-186]

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R2-8-501	Amend
R2-8-502	Amend
R2-8-503	Amend
R2-8-504	Amend
R2-8-505	Amend
R2-8-506	Amend
R2-8-507	Amend
R2-8-508	Amend
R2-8-509	Amend
R2-8-510	Amend
R2-8-511	Amend
R2-8-512	Amend
R2-8-513	Amend
R2-8-513.01	Amend
R2-8-513.02	Amend
R2-8-514	Amend
R2-8-515	Repeal
R2-8-519	Amend
R2-8-520	Amend
R2-8-521	Amend
R2-8-701	Amend
R2-8-702	Amend
R2-8-703	Amend
R2-8-704	Amend
R2-8-705	Amend
R2-8-706	Amend
R2-8-707	Amend
R2-8-709	Repeal
Article 11	New Article
R2-8-1101	New Section
R2-8-1102	New Section
R2-8-1103	New Section

- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statute: A.R.S. § 38-714(E)  
 Implementing statutes: A.R.S. §§ 38-701 et seq., 38-921, and 38-922



**3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**

Notice of Rulemaking Docket Opening: 24 A.A.R. 2635, September 21, 2018 (in this issue)

**4. The agency's contact person who can answer questions about the rulemaking:**

Name: Jessica A.R. Thomas, Rules Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)

**5. 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 amend its rules in order to reflect its new electronic processes. The ASRS has recently developed an electronic system for processing service purchase, contributions not withheld, and transfer requests. As such, the ASRS needs to update its rules to reflect and clarify its new electronic processes.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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.**

None

**7. 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

**8. The preliminary summary of the economic, small business, and consumer impact:**

The ASRS promulgates rules that allow the agency to provide for the proper administration of the state retirement trust fund. ASRS rules affect ASRS members and ASRS employers regarding how they contribute to, and receive benefits from, the ASRS. The ASRS effectively administrates how public-sector employers and employees participate in the ASRS. As such, the ASRS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on private-sector businesses, with the exception of some employer-partner political subdivision and political subdivision entities, which have voluntarily contracted to join the ASRS. Thus, 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 they merely clarify how a member or employer may submit electronic requests for service purchase, contributions not withheld, and transfer of service credit. Such clarification will increase understandability of how the ASRS shall process such requests, which will increase the effectiveness and efficiency of the administration of the ASRS, thus, reducing the regulatory burden and the economic impact.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Jessica A.R. Thomas, Rules Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)

**10. The time, place, and nature of the proceedings for to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request and oral proceedings on the proposed rule:**

An oral proceeding regarding the proposed rule will be held as follows:

Date: October 23, 2018  
Time: 9:00 a.m.  
Location: Arizona State Retirement System  
10th Floor Board Room  
3300 N. Central Ave.  
Phoenix, AZ 85012-0250

**11. 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:**

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:**

None of the rules requires 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:**

Generally, federal laws apply to retirement systems and various sections of the Internal Revenue Code apply to these rules specifically. However, none of the rules are more stringent than 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 submitted.

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

None

**13. The full text of the rules follows:**

**TITLE 2. ADMINISTRATION  
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

**ARTICLE 5. PURCHASING SERVICE CREDIT**

- Section
- R2-8-501. Definitions
- R2-8-502. Request to Purchase Service Credit and Notification of Cost
- R2-8-503. Requirements Applicable to All Service Credit Purchases
- R2-8-504. Service Credit Calculation for Purchasing Service Credit
- R2-8-505. Restrictions on Purchasing Overlapping Service Credit; ~~Transfers~~
- R2-8-506. Cost Calculation for Purchasing Service Credit
- R2-8-507. Required Documentation and Calculations for Forfeited Service Credit
- R2-8-508. Required Documentation and Calculations for Leave of Absence Service Credit
- R2-8-509. Required Documentation and Calculations for Military Service Credit
- R2-8-510. Required Documentation and Calculations for Presidential Military Call-up Service Credit
- R2-8-511. Required Documentation and Calculations for Other Public Service Credit
- R2-8-512. Purchasing Service Credit by Check, Cashier's Check, or Money Order
- R2-8-513. Purchasing Service Credit by Irrevocable ~~Payroll Deduction Authorization~~ PDA
- R2-8-513.01. Irrevocable ~~Payroll Deduction Authorization~~ PDA and Transfer of Employment to a Different ~~ASRS employer~~ Employer
- R2-8-513.02. Termination Date
- R2-8-514. Purchasing Service Credit by Direct Rollover or Trustee-to-Trustee Transfer
- R2-8-515. ~~Purchasing Service Credit by Trustee to Trustee Transfer~~ Repealed
- R2-8-519. Purchasing Service Credit by Termination Pay ~~Distribution~~
- R2-8-520. Termination of Employment and Request Return of Retirement Contributions or Death of Member While Purchasing Service Credit by an Irrevocable ~~Payroll Deduction Authorization~~ PDA
- R2-8-521. Adjustment of Errors

**ARTICLE 7. CONTRIBUTIONS NOT WITHHELD**

- Section
- R2-8-701. Definitions
- R2-8-702. General Information
- R2-8-703. ~~ASRS Employer's~~ Employer's Discovery of Error
- R2-8-704. Member's Discovery of Error
- R2-8-705. ASRS' Discovery of Error
- R2-8-706. Determination of Contributions Not Withheld
- R2-8-707. Submission of Payment
- R2-8-709. ~~Nonpayment of Contributions~~ Repealed

**ARTICLE 11. TRANSFER OF SERVICE CREDIT**

- Section
- R2-8-1101. Definitions
- R2-8-1102. Required Documentation and Calculations for Transfer In Service Credit
- R2-8-1103. Transferring Service to Other Retirement Plans

**ARTICLE 5. PURCHASING SERVICE CREDIT**

**R2-8-501. Definitions**

The following definitions apply to this Article unless otherwise specified:

1. "Active duty" means full-time duty in a branch of the United States uniformed service, other than ~~active reserve duty~~ Active Reserve Duty.
2. "Active duty termination date" means the day a member:
  - a. ~~Separates from active military duty;~~
  - b. ~~Is released from active duty-related hospitalization or one year after initiation of active duty-related hospitalization, whichever date is earlier; or~~
  - e. ~~Dies as a result of active military duty.~~
3. ~~2.~~ "Active reserve duty" means participating in required meetings and annual training in a Reserve or National Guard branch of the United States uniformed service.
4. ~~3.~~ "Actuarial present value" means an amount in today's dollars of a member's future retirement benefit calculated using appropriate actuarial assumptions and the:



- a. ~~Eligible Member's current years of credited service~~Current Years of Credited Service to the nearest month;
  - b. ~~Eligible Member's age as of the date the Eligible Member submits to the ASRS a request to purchase service pursuant to this Article to the nearest day;~~
  - c. Amount of ~~service credit~~Service Credit the member wishes to purchase to the nearest month, except for the calculation in R2-8-506(A)(2); and
  - d. Member's current annual compensation.
- 5-4. ~~"Authorized representative" means an individual who has been delegated the authority to act on behalf of a custodian~~Custodian, ~~trustee~~Trustee, ~~plan administrator~~Plan Administrator, ~~or, if applicable, or a member, if the member's IRA or 403(b) is not maintained by the member's Employer.~~
- 6-5. ~~"Current years of credited service" means the amount of credited service a member has earned or purchased, and the amount of service credit~~Service Credit for which an Irrevocable ~~Payroll Deduction Authorization~~PDA is in effect for which the member has not yet completed payment, but does not include any current requests to purchase ~~service credit~~Service Credit for which the member has not yet paid.
- 7-6. ~~"Custodian" means a financial institution that holds financial assets for guaranteed safekeeping.~~
- 8-7. ~~"Direct rollover" means distribution of eligible funds~~Eligible Funds made payable to the ASRS as a contribution for the benefit of an eligible member from a retirement plan listed in A.R.S. § 38-747(H)(2) or (H)(3).
- 9-8. ~~"Eligible funds" means payments listed in A.R.S. § 38-747(H)(2) and (H)(3).~~
- 10-9. ~~"Eligible member" means a member who is eligible to purchase service pursuant to A.R.S. §§ 38-742, 38-743, 38-744, or 38-745, an active member of the Plan or a Plan member who is receiving benefits under the Long Term Disability Program established by A.R.S. Title 38, Chapter 5, Article 2-1.~~
11. ~~"Forms of payment" means check, cashier's check, money order, Irrevocable Payroll Deduction Authorization, direct rollover, indirect IRA rollover, indirect rollover, trustee to trustee transfer, IRA rollover and termination pay distribution.~~
- 12-10. ~~"Forfeited service" means credited service for which the ASRS has returned retirement contributions to the member under A.R.S. § 38-740.~~
13. ~~"Immediate family member" means:~~
- a. ~~A member's spouse or life partner;~~
  - b. ~~A member's natural, step, or adopted sibling;~~
  - c. ~~A member's natural, step, or adopted child;~~
  - d. ~~A member's natural, step, or adoptive parent; or~~
  - e. ~~An individual for whom the member has legal guardianship.~~
14. ~~"Indirect IRA rollover" means funds already distributed to the eligible member from a retirement plan listed in A.R.S. § 38-747(H)(3) that are then paid by the eligible member to the ASRS as a contribution for the benefit of the eligible member.~~
- 15-11. ~~"IRC" means the same as "Internal Revenue Code" in A.R.S. § 38-711(18).~~
- 16-12. ~~"Irrevocable Payroll Deduction Authorization PDA" means an irrevocable "Payroll Deduction Authorization" contract between an eligible member~~Eligible Member, an ASRS employerEmployer, and the ASRS that requires the ASRS employerEmployer to withhold payments from a member's an Eligible Member's pay for a specified amount and for a specified number of payments, as provided in A.R.S. § 38-747.
17. ~~"Life partner" means an individual who lives with a member as a spouse, but without being legally married.~~
13. ~~"Leave of absence service" means an approved leave of absence without pay as specified in A.R.S. § 38-744.~~
14. ~~"LTD" means the same as in R2-8-301.~~
- 18-15. ~~"Military Call-up service" means a member is called to active duty~~Active Duty in a branch of the United States ~~uniformed services~~Uniformed Services.
- 19-16. ~~"Military service" means active duty~~Active Duty or ~~active reserve duty~~Active Reserve Duty with any branch of the United States ~~uniformed services~~Uniformed Services or the Commissioned Corps of the National Oceanic and Atmospheric Administration.
- 20-17. ~~"Military service record" means a United States uniformed services~~Uniformed Services or National Oceanic and Atmospheric Administration document that provides the following information:
- a. The member's full name;
  - b. The member's Social Security number;
  - c. Type of discharge the member received; and
  - d. Active ~~duty~~Duty dates, if applicable; or
  - e. Active ~~reserve duty~~Reserve Duty dates, if applicable; and
  - f. Point history for ~~reserve duty~~Active Reserve Duty dates, if applicable.
- 21-18. ~~"Other public service" means previous employment listed in A.R.S. § 38-743(A).~~
- 22-19. ~~"PDA pay-off invoice letter" means written correspondence from the ASRS to a member~~an Eligible Member that specifies the amount necessary to be paid by the memberEligible Member to complete an Irrevocable ~~Payroll Deduction Authorization~~PDA and to receive the total credited service specified in the Irrevocable ~~Payroll Deduction Authorization~~PDA.
- 23-20. ~~"Plan Administrator administrator" means the person authorized to represent a specific eligible plan as addressed in IRC § 414(g).~~
- 24-21. ~~"Service credit" means forfeited service~~Forfeited Service under A.R.S. § 38-742, ~~leave of absence~~Leave of Absence Service under A.R.S. § 38-744, ~~military service~~Military Service and Military Call-up ~~service~~Service under A.R.S. § 38-745, and ~~other public service~~Other Public Service under A.R.S. § 38-743 that an eligible member Eligible Member may purchase.
- 25-22. ~~"SP invoice" means a written correspondence from the ASRS informing an eligible member~~Eligible Member of the amount of money required to purchase a specified amount of ~~service credit~~Service Credit.



- ~~26-23.~~ “Termination pay ~~distribution~~” means an ~~ASRS employer’s~~ Employer’s payment to the ASRS of an ~~eligible member’s~~ Eligible Member’s ~~termination pay~~ received as a result of terminating employment to purchase ~~service credit~~ Service Credit as specified in A.R.S. § 38-747(B)(2).
- ~~27-24.~~ “Three full calendar months” means the first day of the first full month through the last day of the third consecutive full month.
- ~~28-25.~~ “Transfer employment” means to terminate employment with one ~~ASRS employer~~ Employer with which a ~~member~~ an Eligible Member has an Irrevocable Payroll Deduction Authorization PDA:
- After accepting an offer to work for a new ~~ASRS employer~~ Employer; ~~or~~
  - While working as an active member for a different ~~ASRS employer~~ Employer; ~~or~~
  - Before returning to work with any Employer within 120 days of terminating employment.
- ~~29-26.~~ “Trustee-to-trustee Trustee-to-Trustee transfer” means a transfer of assets to the ASRS as authorized in A.R.S. § 38-747(I), from a retirement program ~~listed in R2-8-515(A)~~ from which, at the time of the transfer, a member is not eligible to receive a distribution.
- ~~30-27.~~ “Uniformed services” means the United States Army, Army Reserve, Army National Guard, Navy, Navy Reserve, Air Force, Air Force Reserve, Air Force National Guard, Marine Corps, Marine Corps Reserve, Coast Guard, Coast Guard ~~Reserves~~ Reserve, and the Commissioned Corps of the Public Health Service.
- ~~31-28.~~ “Window credit” means overpayments made on previously purchased ~~service credit~~ Service Credit by ~~eligible~~ eligible members of the ASRS as provided by Laws 1997, Ch. 280, § 21, and Laws 2003, Ch. 164, § 3.

#### **R2-8-502. Request to Purchase Service Credit and Notification of Cost**

- A.** An ~~eligible member~~ Eligible Member may request to purchase ~~Service Credit~~ service credit ~~verbally, in writing, or electronically.~~ The ~~eligible member~~ Eligible Member shall ~~provide~~ verify at the time of request, the following information for the Eligible Member:
- The ~~eligible member’s~~ name; Name;
  - The ~~eligible member’s~~ mailing address; Mailing address;
  - Date of birth;
  - Marital status;
  - Gender;
  - Primary email address;
  - Primary phone number; and
  - Designate which Which category of ~~service credit~~ Service Credit the ~~eligible member~~ Eligible Member is requesting to purchase.
- B.** An Eligible Member who requests to purchase Service Credit pursuant to subsection (A) shall acknowledge the following statements of understanding:
- Any person who knowingly makes any false statement or who falsifies or permits to be falsified any record of the retirement plan with an intent to defraud the plan is guilty of a class 6 felony per Arizona Revised Statutes Section 38-793; and
  - This transaction is subject to audit. If any errors or misrepresentations are discovered as a result of an audit, the Eligible Member’s total credited service with the ASRS will be adjusted as necessary and if the Eligible Member is retired, the Eligible Member’s retirement benefit will also be adjusted. Any overpayment(s) will be refunded. However, if a payment made with a rollover or pre-tax dollars is returned to the Eligible Member, there may be tax consequences as a result of this refund.
- B.** The ASRS shall send a letter acknowledging the request to purchase ~~service credit~~ to the mailing address provided by the ~~eligible member~~. The ASRS shall provide, with the acknowledgment letter, any form specified in this Article that corresponds to the category of ~~service credit~~ the ~~eligible member~~ requests to purchase and indicate in the acknowledgment letter the deadline for providing supporting documentation of ~~service credit~~ to the ASRS.
- C.** Except as provided in R2-8-519(A), the ~~eligible member~~ shall provide documentation of ~~service credit~~ as required by this Article within 90 days of the ~~eligible member’s~~ request to purchase ~~service credit~~. If the ASRS has not received complete and correct documents within 90 days of the request to purchase ~~service credit~~, the ASRS shall cancel the ~~eligible member’s~~ request to purchase ~~service credit~~. The ~~eligible member~~ may make a new request to purchase ~~service credit~~.
- D-C.** Upon receipt of the documentation required by this Article from the ~~eligible member~~ Eligible Member and if the ~~eligible member’s~~ Eligible Member’s request to purchase ~~service credit~~ Service Credit meets the requirements of this Article, the ASRS shall provide the following to the ~~eligible member~~ Eligible Member:
- A ~~SP invoice~~ Invoice stating the cost to purchase the amount of ~~service credit~~ Service Credit the member is eligible to purchase ~~and the date payment is due~~;
  - A Service Purchase Payment Request requesting the following information:
    - The ~~member’s~~ name;
    - The ~~member’s~~ Social Security number;
    - The ~~member’s~~ mailing address;
    - The ~~member’s~~ daytime telephone number;
    - ID number listed on the SP invoice;
    - Either the number of years or partial years of service credit the member wishes to purchase or the cost for the number of years or partial years of service the member wishes to purchase, not exceeding the years or partial years and cost specified on the SP Invoice;
    - If the member elects to pay for the service credit by trustee-to-trustee transfer, IRA rollover, distributed rollover contribution, or direct rollover, the anticipated number of rollovers or transfers;
    - If the member elects to pay by Irrevocable Payroll Deduction Authorization, the amount of money the member wishes to pay per pay period;
    - If the member elects to pay for the service credit by check, the check number and amount of the check;
    - If the member elects to pay any cost remaining at retirement or termination of employment with a termination pay distribution, the retirement date or last date of work;
    - The ~~member’s~~ signature and date of the signature; and



- 3. ~~Other forms the member may need to complete the request for service credit purchase.~~
- 2. Instructions for electing method of payment; and
- 3. The date payment election is due.

- C. An Eligible Member who requests to purchase Service Credit pursuant to this section shall elect one or more methods of payment and submit the election to the ASRS by the date payment election is due.
- D. An Eligible Member who elects to purchase Service Credit using after-tax payments shall acknowledge the following information:
  - 1. After-tax payments must be from the Eligible Member and remitted to the ASRS by the Eligible Member;
  - 2. After-tax payments cannot be used to purchase political subdivision employment with a United States territory, commonwealth, overseas possession, or insular area; and
  - 3. If the Eligible Member joined the ASRS on or after July 1, 1999, §§ 415(b) and 415(c) of the IRC limit the after-tax money the Eligible Member can use to purchase Service Credit.

**R2-8-503. Requirements Applicable to All Service Credit Purchases**

- A. To purchase ~~service credit~~ Service Credit at the amount provided in an ~~SP invoice~~Invoice, an ~~eligible member~~Eligible Member shall purchase the ~~service credit~~ Service Credit by check or money order, or request an ~~Irrevocable Payroll Deduction Authorization~~PDA, ~~Direct Rollover rollover~~, ~~Trustee-to-Trustee Transfer~~transfer or ~~termination pay distribution~~Termination Pay as specified in this Article, by the due date specified by the method of payment the ~~Eligible Member elected~~on the SP invoice.
- B. An ~~eligible member~~Eligible Member may purchase all of the ~~service credit~~ Service Credit or a portion of the ~~service credit~~ Service Credit. If the ~~eligible member~~Eligible Member wishes to purchase only a portion of the ~~service credit~~ Service Credit, the ~~eligible member~~Eligible Member shall specify, ~~on the Service Purchase Payment Request form identified in R2-8-502(D)(2):~~
  - 1. The dollar amount the eligible member wishes to purchase, up to the amount specified on the SP invoice, or Either the number of years or partial years of Service Credit the Eligible Member wishes to purchase; or
  - 2. The number of years or partial years the eligible member wishes to purchase, not exceeding the years or partial years specified on the SP invoice. The cost for the number of years or partial years of Service Credit the Eligible Member wishes to purchase, not exceeding the years or partial years and cost specified on the SP Invoice.
- C. ~~If the eligible member elects to purchase only a portion of the service credit, the cost and amount of service credit the eligible member identifies on the Service Purchase Payment Request form is only an estimate and may be more or less than the actual cost or amount of service credit purchased by the eligible member.~~
- D. ~~The eligible member shall not request to purchase additional service credit based on the SP invoice until the member has completed the purchase of the previously requested portion of service credit or cancel the request as specified in subsection (F).~~
- ~~E.C.~~ The ASRS shall not consider more than one active request at a time from a member to purchase ~~service credit~~ Service Credit in a single category. The categories are:
  - 1. ~~Leave of absence~~Absence Service;
  - 2. ~~Military service~~Service;
  - 3. ~~Presidential Call up service;~~
  - 4. ~~Forfeited service~~Service; and
  - 5. ~~Other public service~~Public Service.
- ~~F.D.~~ An ~~eligible member~~ Eligible Member may cancel an active request by notifying the ASRS in writing to purchase a specific category of service credit verbally or in writing, and submit a new request in the same category of service credit for a different amount of service credit.
- ~~G.E.~~ If an ~~eligible member~~ Eligible Member is entitled to a ~~window credit~~ Window Credit, the ~~eligible member~~ Eligible Member may apply the ~~window credit~~ Window Credit to purchase ~~service credit~~ Service Credit. To apply a ~~window credit~~ Window Credit to a purchase of ~~service credit~~ Service Credit, the ~~eligible member~~ Eligible Member shall make a request to the ASRS in writing by the ~~due date~~ pay-ment election is due as specified on the ~~SP invoice~~ Invoice and include the following information:
  - 1. The amount the ~~member~~ Eligible Member wants to apply, and
  - 2. The ~~member's~~ Eligible Member's dated signature, and
  - 3. The date of the ~~member's~~ signature.
- H. ~~The amount of service credit an eligible member may purchase and the benefits an eligible member may receive are subject to the limitations prescribed in A.R.S. § 38-747(E).~~
- ~~I.F.~~ On or before the due date specified on the SP Invoice, an ~~Eligible Member~~ Eligible Member may request an extension of a due date for purchasing ~~Service Credit~~ Service Credit. ASRS shall extend the time for an eligible member to respond to an SP invoice as follows:
  - 1. If the member notifies the ASRS of an ASRS error, the time is extended 30 days after the date the ASRS sends notification to the eligible member that the ASRS has corrected the error;
  - 2. If an ASRS internal review is made of the member's service credit purchase request, the time is extended 30 days after the date ASRS sends notification to the member that the review is completed;
  - 3. If the member appeals an issue regarding the SP invoice under Article 4 of this Chapter, the time is extended 30 days after the date ASRS sends notification to the member that a decision on the appeal has been made; or
  - 4. If an unforeseeable event occurs that is outside of the member's control, such as an incapacitating illness of the member or death of an immediate family member, and the member notifies the ASRS of the event, the ASRS shall extend the time by up to six months, after a review of the unforeseeable event to determine the length of the extension.

**R2-8-504. Service Credit Calculation for Purchasing Service Credit**

- A. An ~~eligible member~~Eligible Member who purchases ~~service credit~~ Service Credit shall receive one month of credited service for one or more days of service in a calendar month.
- B. Pursuant to A.R.S. 38-739(B), an Eligible Member who purchases Service Credit shall receive a proportionate amount of credited service based on the length of the Eligible Member's service year.



**C.** Notwithstanding any other provision, an Eligible Member whose membership date is on or after July 20, 2011, cannot purchase more than five years of Service Credit for each of the following based on the length of the Eligible Member's service year:

1. Leave of Absence Service;
2. Military Service; and
3. Other Public Service.

**R2-8-505. Restrictions on Purchasing Overlapping Service Credit; ~~Transfers~~**

- A.** The ASRS shall not permit an ~~eligible member~~ Eligible Member to purchase ~~service credit~~ Service Credit that, when added to credited service earned in any plan year, results in more than:
1. One year of credited service in any plan year, or
  2. One month of credited service in any one calendar month.
- B.** ~~The restrictions in subsection (A) do not apply to service credit that an eligible member transfers from another retirement system to the ASRS as authorized in A.R.S. § 38-730 or A.R.S. Title 38, Chapter 5, Article 7, whether the eligible member requests the transfer before or after purchasing other service credit.~~

**R2-8-506. Cost Calculation for Purchasing Service Credit**

- A.** For ~~Service Credit for Leave of Absence Service, leave of absence service credit, military service~~ Military Service credit, and ~~other public service credit~~ Other Public Service, the ASRS shall calculate, as of the date of the request to purchase ~~service credit~~ Service Credit:
1. The ~~actuarial present value~~ Actuarial Present Value of the future retirement benefit for the ~~member~~ Eligible Member including the ~~service credit~~ Service Credit that the ~~eligible member~~ Eligible Member requests to purchase, and
  2. The ~~actuarial present value~~ Actuarial Present Value of the future retirement benefit for the ~~member~~ Eligible Member without the ~~service credit~~ Service Credit that the ~~eligible member~~ Eligible Member requests to purchase.
- B.** The cost for purchasing the ~~service credit~~ Service Credit that the ~~member~~ Eligible Member requests to purchase is the difference between the ~~actuarial present value~~ Actuarial Present Value in subsection (A)(1) and the ~~actuarial present value~~ Actuarial Present Value in subsection (A)(2).

**R2-8-507. Required Documentation and Calculations for Forfeited Service Credit**

- A.** An ~~eligible member~~ Eligible Member who requests to purchase ~~service credit~~ Service Credit for ~~forfeited service~~ Forfeited Service under A.R.S. § 38-742 shall provide the ASRS:
- ~~1. The eligible member's:~~
    - a. ~~Full name and, if applicable, other names used while working for an ASRS employer for which the eligible member is requesting to purchase service credit;~~
    - b. ~~Mailing address;~~
    - e. ~~Telephone number, if applicable;~~
    - d. ~~Social Security number;~~
  - ~~2.1. The name of each ASRS employer an Employer, if known, for which the eligible member Eligible Member is requesting to purchase service credit Service Credit for forfeited service; Forfeited Service; and~~
  3. ~~The year the eligible member began working for each ASRS employer and the year the eligible member left each employment, if known; and~~
  - ~~4.2. The year and month the eligible member Eligible Member believes the ASRS returned retirement contributions to the member.~~
- B.** Upon receipt of payment as specified in subsection (D), the ASRS shall apply the Service Credit to the Eligible Member's account based on the most recent Forfeited Service available for purchase.
- C.** Notwithstanding subsection (B), if an Eligible Member has more than one return of contributions pursuant to A.R.S. § 38-740, the Eligible Member may elect to purchase Forfeited Service for any of the return of contributions and the ASRS shall apply the Service Credit to the Eligible Member's account based on the most recent Forfeited Service available for purchase.
- ~~B.D.~~** ~~The amount the eligible member Eligible Member shall pay to purchase service credit Service Credit for previously forfeited service- Forfeited Service is the amount of retirement contributions that the ASRS returned to the eligible member, plus interest on that amount from the date on the return of retirement contributions check to the date of redeposit at the interest Assumed Actuarial Investment Earnings Rate rate determined by the Board as specified in A.R.S. § 38-742; R2-8-118(A).~~

**R2-8-508. Required Documentation and Calculations for Leave of Absence Service Credit**

- A.** ~~An eligible member Eligible Member may request who requests to purchase service credit Service Credit for Leave of Absence Service an approved leave of absence from an ASRS employer under A.R.S. § 38-744 shall provide to the ASRS an Approved Leave of Absence form that includes: To request to purchase service credit for an approved leave of absence the eligible member shall provide to the ASRS:~~
- ~~1. An Approved Leave of Absence form that includes:~~
    - ~~a.1. The following information completed by the eligible member Eligible Member:~~
      - ~~i.a. The eligible member's full name and, if applicable, other names used while working for the ASRS employer; The start date and end date of the approved leave of absence;~~
      - ~~ii.b. The eligible member's Social Security number; The date the Eligible Member returned to work or a statement of why employment was not resumed;~~
      - ~~iii.c. The eligible member's mailing address; The name of the Employer;~~
      - ~~iv.d. The eligible member's daytime telephone number; Whether the Eligible Member participated in another public retirement system during this leave of absence; and~~
      - ~~e. If the Eligible Member participated in another public retirement system during the leave of absence, whether the Eligible Member is receiving a benefit or is eligible to receive a benefit, from the other public retirement system; and~~
    2. Acknowledgement of the following statements of understanding:



- v.a. ~~A statement that the The eligible member~~ Eligible Member understands that up to one year of ~~leave of absence service credit~~ Service Credit may be purchased for each approved leave of absence, if the ~~eligible member~~ Eligible Member returns to work for the ~~employer~~ Employer that approved the leave of absence unless employment could not be resumed because of disability or nonavailability of a position;
- vi. ~~A statement that the eligible member understands that the ASRS uses the actuarial present value calculation method to determine the cost of the service purchase request;~~
- vii.b. ~~A statement that the The eligible member~~ Eligible Member authorizes the ~~ASRS employer~~ Employer to provide any necessary personal information to ASRS in order to process this request; and
- viii. ~~The member's dated signature; and~~
- b. ~~The following information completed by the ASRS employer;~~
  - i. ~~The beginning date and ending date of the approved leave of absence;~~
  - ii. ~~The date the eligible member returned to work or a statement of why employment was not resumed;~~
  - iii. ~~Name of the employer;~~
  - iv. ~~The authorized employer representative's name;~~
  - v. ~~The authorized employer representative's telephone number and, if applicable, fax number; and~~
  - vi. ~~The authorized employer representative's dated signature verifying that the approved leave of absence benefited or was in the best interest of the employer; and~~
- 2. ~~A copy of the guidelines referenced in A.R.S. § 38-744, if applicable.~~
  - c. The Eligible Member certifies that if the Eligible Member participated in another public retirement system during the approved leave of absence, the Eligible Member is not receiving, and is not eligible to receive, a benefit from the other public retirement system for the time during the approved leave of absence; and
- 3. The Eligible Member's dated signature.
- B.** Pursuant to A.R.S. § 38-744, a member who participated in another public retirement system during the leave of absence, and is receiving a benefit or is eligible to receive a benefit from the other public retirement system, is not an Eligible Member for purposes of this section.
- C.** If the information provided by the Eligible Member pursuant to subsection (A) is correct, the Employer shall validate the information and submit the information to the ASRS through the Employer's secure ASRS account. If the information provided by the Eligible Member pursuant to subsection (A) is incorrect, the Employer shall correct the information and submit the information to the ASRS through the Employer's secure ASRS account.
- D.** Upon submitting the information specified in subsection (B), the Employer shall acknowledge the following statements of understanding:
  - 1. The Employer has verified all the dates for the approved leave of absence period are correct; and
  - 2. The contact individual has the legal power to bind the Employer in transactions with the ASRS.
- B-E.** The amount the member Eligible Member shall pay to purchase ~~service credit~~ Service Credit for an approved leave of absence is determined as provided in R2-8-506.

**R2-8-509. Required Documentation and Calculations for Military Service Credit**

- A.** ~~An eligible member~~ Eligible Member may request ~~who requests~~ to purchase ~~Service Credit for military service~~ Military Service credit under A.R.S. § 38-745(A) and (B). ~~To request to purchase military service credit, the eligible member shall provide to the ASRS:~~
  - 1. ~~The items listed in R2-8-507(A)(1);~~
  - 2.1. A copy of the eligible member's Eligible Member's military service record Military Service Record within 30 days of the Eligible Member's request to purchase Service Credit; and
  - 3.2. ~~A completed, signed, dated, and notarized Affidavit of Military Service form that contains:~~
    - a. ~~The member's full name;~~
    - b.a. ~~The member's Social Security number;~~ Whether the Eligible Member is receiving a benefit or is eligible to receive a benefit, from the military.
    - e.b. ~~The branch of the uniformed services~~ Uniformed Services the ~~member~~ Eligible Member was in;
    - d.c. ~~Whether the member~~ Eligible Member was ~~on active duty~~ Active Duty or ~~active reserve duty~~ Active Reserve Duty;
    - e.d. ~~The years and months by fiscal year that the member was in active duty or active reserve duty for which the member wishes to purchase service credit;~~ The start date and end date of the Eligible Member's Military Service for which the Eligible Member is requesting to purchase Service Credit;
    - f.e. ~~Acknowledgement that the member~~ Eligible Member ~~has attached;~~ will submit to the ASRS:
      - i. ~~Proof of honorable discharge~~ separation for each type of ~~military service~~ Military Service listed on the form; and
      - ii. ~~The member's Eligible Member's military service record~~ Military Service Record that supports all of the service listed on the ~~affidavit;~~ form;
    - g.f. ~~Acknowledgement of the following statements of understanding;~~ The following statements of understanding initialed by the member:
      - i. ~~I understand that any person who knowingly makes any false statement or who falsifies or permits to be falsified any record of the retirement plan with an intent to defraud the plan is guilty of a class 6 felony per Arizona Revised Statutes Section 38-793;~~
      - ii. ~~I understand this transaction is subject to audit and if any errors or misrepresentations are discovered as a result of this audit, my total credited service with the ASRS will be adjusted as necessary and if I am retired, my retirement benefit will also be adjusted;~~
      - iii.i. ~~I understand~~ The Eligible Member understands that the service listed on this ~~affidavit form~~ does not include time that the Eligible Member either volunteered or was ordered into ~~active duty~~ Active Duty ~~military service as part of a Presidential military call-up while employed by an Employer.~~ Call-up. This service is purchased under ~~Presidential Military~~



- Call-up Service and requires a Presidential Military Call-up form to be completed by ~~you~~ the Eligible Member's ~~employer~~ Employer; and
- ~~iv-ii. I understand~~ The Eligible Member understands that any time ~~I have~~ the Eligible Member has listed on this affidavit form for Reserve or National Guard time reflects the months that ~~the~~ Eligible Member attended at least one drill or assembly for each month listed.
- B. The amount the ~~eligible member~~ Eligible Member pays to purchase Service Credit for ~~military service~~ Military Service credit is determined as provided in R2-8-506.
- C. ~~The ASRS determines the amount of service credit~~ Service Credit an ~~eligible member~~ Eligible Member receives for ~~active duty~~ Active Duty and ~~active reserve duty~~ Active Reserve Duty time by the time listed on the Affidavit of Military Service form, if the service listed is supported by the information contained in the ~~member's~~ Eligible Member's military service record Military Service Record.
- D. If the ASRS has not received complete and correct documents pursuant to this section within 30 days of the request to purchase Service Credit, the ASRS shall cancel the Eligible Member's request to purchase Service Credit.

#### R2-8-510. Required Documentation and Calculations for Presidential Military Call-up Service Credit

- A. An ~~eligible member~~ Eligible Member or the ~~eligible member's~~ beneficiary who meets the requirements under A.R.S. § 38-745(C)D shall receive up to 60 months of Service Credit, not to exceed 5 years of Service Credit for Presidential Military Call-up service Service under A.R.S. § 38-745(C) through (H) (D) through (K). In order to determine the amount of contributions the ASRS ~~employer~~ Employer owes to purchase ~~service credit~~ Service Credit for Presidential Military Call-up service Service, the ~~eligible member's~~ Eligible Member's ASRS ~~employer~~ Employer shall provide to the ASRS a copy of the ~~eligible member's~~ Eligible Member's military service record Military Service Record and a completed Presidential Military Call-up form that includes the following:
1. The ~~member's~~ Eligible Member's full name;
  2. The ~~member's~~ Eligible Member's Social Security number;
  3. The start date of Presidential Military Call-up Service;
  4. The end date of Presidential Military Call-up Service;
  5. ~~Whether the member received paid leave while on Presidential Call-up;~~
  - 6-5. The date the ~~member~~ Eligible Member returned to work for the ASRS ~~employer~~ Employer;
  - 7-6. The salary for each pay period in each fiscal year while the ~~member~~ Eligible Member ~~is was~~ on Presidential Call-up, military call-up, including any salary increases the ~~eligible member~~ Eligible Member would have received had the ~~member~~ Eligible Member not left ~~employment~~ work due to Presidential Call-up, if applicable; military call-up;
  8. ~~The ASRS employer's name and address;~~
  - 9-7. The name of a contact individual for the ASRS ~~employer~~ Employer, and that individual's business and ~~fax~~ telephone numbers;
  - 10-8. The contact individual's dated signature and date of signature;
  - 11-9. If applicable, the earlier of:
    - a. ~~The date~~ dates that the ~~member~~ Eligible Member was hospitalized and released from the hospital for injuries sustained as a result of participating in a Presidential Call-up; military call-up, or
    - b. ~~The date that the member was hospitalized for one year for injuries sustained as a result of participating in a Presidential Call-up; and~~
  10. If applicable, the date the Eligible Member became disabled during or as a result of participating in a military call-up.
  11. If applicable, the date of the Eligible Member's death during or as a result of participating in a military call-up; and
  12. Acknowledgement of the following statements of understanding:
    - a. All the dates and payroll information for the Military Call-up Service are correct;
    - b. The Eligible Member:
      - i. Was honorably separated from Active Duty and returned to the same Employer within 90 days of either discharge from Active Duty or release from service-related hospitalization; or
      - ii. Was disabled and unable to return to work; or
      - iii. Died during or as a result of Active Duty.
    - c. The Employer must pay both the employee and Employer contributions in a lump sum upon the Eligible Member returning to employment, receipt of a declaration of disability, or receipt of a death certificate. These contributions are based on the salary the Eligible Member would have earned if the Eligible Member had not volunteered or been ordered into Active Duty.
    - d. The Eligible Member may receive a maximum of 60 months of Service Credit for Military Call-up Service pursuant to A.R.S. § 38-745.
    - e. The contact individual has the legal power to bind the Employer in transactions with the ASRS.
  12. ~~A copy of the member's death certificate, if applicable.~~
- B. An ASRS ~~employer~~ Employer shall make the request to purchase ~~service credit~~ Service Credit for Presidential Military Call-up service Service within 30 days after the ~~member's active duty termination date~~ earlier of the dates listed in A.R.S. § 38-745(E).
- C. The ASRS calculates the amount the ASRS ~~employer~~ Employer pays to purchase Presidential Military Call-up service Service pursuant to A.R.S. § 38-745(G) by multiplying the ~~eligible member's~~ Eligible Member's salary per pay period at the time active duty Active Duty commences, by the contribution rate in effect for the period of active duty Active Duty, and by the years or partial years of service elapsing from the active duty commencement date through the active duty termination date. Included in the calculation are any salary increases the ~~member~~ Eligible Member would have received if the ~~member~~ Eligible Member had not left work to participate in a Presidential Call-up, military call-up.
- D. The ASRS shall send the ASRS ~~employer~~ Employer a statement of cost for purchase of the Service Credit for Presidential Military Call-up service credit, Service based on the calculation in subsection (B)(C). Within 90 days from the date on the ASRS statement of cost, the ASRS ~~employer~~ Employer shall pay to the ASRS the amount on the statement. If the ASRS ~~employer~~ Employer fails to make full payment within ~~the~~ 90 days, interest shall accrue on the unpaid balance at the ~~assumed~~ actuarial investment earnings rate



approved by the Board Assumed Actuarial Investment Earnings Rate in effect on the date of the statement of cost as specified in R2-8-118(A). The ASRS may collect the unpaid balance plus interest pursuant to A.R.S. § 38-735(C).

- E. If an ASRS employer Employer deducts remits retirement and or long-term disability contributions from on behalf of an eligible member's pay Eligible Member while the eligible member Eligible Member is on Presidential Call-up service, military call-up, the Employer shall reverse the contributions ASRS shall return the contributions to the ASRS employer after the ASRS receives the information in subsection (A).
- F. If an ASRS employer Employer deducts remits retirement contributions from on behalf of an eligible member's pay Eligible Member while the eligible member Eligible Member is on Presidential Call-up service, military call-up, and the eligible member Eligible Member does not return to the ASRS employer Employer after separation from active military service Military Service, the ASRS shall apply the retirement contributions to the member's Eligible Member's credited service.

**R2-8-511. Required Documentation and Calculations for Other Public Service Credit**

A. An eligible member Eligible Member who requests to purchase other public service credit Service Credit for Other Public Service under A.R.S. § 38-743 shall provide to the ASRS a completed Affidavit of Other Public Service form, signed and dated by the member Eligible Member, and notarized, that includes the following:

1. The member's full name;
2. The member's Social Security number;
3. Other names used by the member during employment with the other public service employer, if applicable;
- 4.1. The name and mailing address of the other public service Other Public Service employer;
- 5.2. The position the member Eligible Member held while working for the other public service Other Public Service employer;
- 6.3. A contact name and telephone number of an individual in the other public service employer's human resources department who can verify employment, if known. The start date and end date of the Eligible Member's employment with the Other Public Service employer;
- 7.4. The actual months and years the Eligible Member was employed with the Other Public Service employer; The years and months by fiscal year of other public service the member worked and wishes to purchase;
- 8.5. If the other public service employer was a non-ASRS employer, a statement of whether the member Eligible Member participated in the non-ASRS Other Public Service employer's retirement plan;
- 9.6. If the member Eligible Member participated in the Other Public Service employer's a non-ASRS public service employer's retirement plan, the name of the retirement plan, identifying whichever one of the following applies:
  - a. The approximate date the member Eligible Member took a return of retirement contributions;
  - b. The plan is non-contributory and the member Eligible Member is not eligible for benefits from the plan; or
  - c. That, if not using all of the retirement contributions as a pre-tax rollover, the member Eligible Member will request a return of retirement contributions and forfeit all rights to any benefits from the plan and provide the ASRS with documentation that the member Eligible Member has forfeited all rights to benefits from the plan no later than the due date specified on the SP invoice Invoice; and
- 10.7. Acknowledgement that:
  - a. Knowingly making a false statement or falsifying or permitting falsification of any record of the ASRS with an intent to defraud ASRS is a Class 6 felony, pursuant to A.R.S. § 38-793;
  - b. The service purchase transaction is subject to audit and if any errors are discovered, the ASRS shall adjust a member's total credited service with the ASRS, or if the member is already retired, adjustments to the member's credited service will affect the member's retirement benefit; and
  - e. If an audit determines that the member Eligible Member is eligible for a benefit from the other public service Other Public Service employer's retirement plan, the member Eligible Member is required to take necessary steps to forfeit the benefit, and if the forfeiture is not completed within 90 days of being notified of the audit results, the service credit Service Credit purchase listed on this application will be revoked and any funds paid to purchase the service credit Service Credit will be refunded to the member.

B. The amount the member Eligible Member shall pay to purchase other public service credit Service Credit for Other Public Service is determined as provided in R2-8-506.

C. Notwithstanding R2-8-512, the ASRS shall not accept after-tax monies for the purchase of Service Credit for Other Public Service with a territory, commonwealth, overseas possession or insular area pursuant to A.R.S. § 38-743.

**R2-8-512. Purchasing Service Credit by Check, Cashier's Check, or Money Order**

- A. An eligible member Eligible Member may purchase service credit Service Credit by personal check in the Eligible Member's name, cashier's check, or money order remitted by the Eligible Member.
- B. Within 30 days of the issue date on the SP invoice or PDA pay off letter By the due date specified by the method of payment the Eligible Member elected, the member Eligible Member shall ensure that the ASRS receives the completed Service Purchase Payment Request form with the information specified in R2-8-502(D)(2) and a check, cashier's check, or money order made to the order of the Arizona State Retirement System payable to the ASRS in the amount to purchase the requested service credit Service Credit.
- C. If an eligible member purchases service credit by check, cashier's check, or money order in conjunction with one or more rollovers, trustee to trustee transfers, or termination pay, the member shall make payment within 30 days after the date the ASRS sends written confirmation that the ASRS received the final rollover, trustee to trustee transfer, or termination pay payment.

**R2-8-513. Purchasing Service Credit by Irrevocable Payroll Deduction Authorization PDA**

- A. An eligible member Eligible Member may purchase service credit Service Credit by Irrevocable Payroll Deduction Authorization PDA.
- B. By the due date specified on the SP invoice, the member shall ensure that the ASRS receives the completed Service Purchase Payment Request form with the information specified in R2-8-502(D)(2).



~~C.B.~~ If the ~~eligible member~~Eligible Member elects to pay for ~~service credit~~ Service Credit by Irrevocable Payroll Deduction Authorization, PDA, the Eligible Member shall elect the terms of the Irrevocable PDA and submit the Irrevocable PDA to the ASRS and the Employer with the following: ~~ASRS shall prepare an Irrevocable Payroll Deduction Authorization and send it to the eligible member for signature. The member shall ensure that the ASRS receives the signed Irrevocable Payroll Deduction Authorization within 30 days after the date on the Irrevocable Payroll Deduction Authorization. The signed Irrevocable Payroll Deduction Authorization becomes irrevocable upon receipt by the ASRS.~~

1. Acknowledgments:

- a. This Irrevocable PDA is binding and irrevocable;
- b. This Irrevocable PDA shall remain in effect until the earlier of:
  - i. The authorized payroll deductions are completed; or
  - ii. The Eligible Member terminates employment.
- c. The ASRS cannot terminate the Irrevocable PDA due to financial hardship;
- d. The amount of Irrevocable PDA payments the Eligible Member makes is subject to federal laws;
- e. The cost to purchase Service Credit by Irrevocable PDA includes an administrative interest charge at the Assumed Actuarial Investment Earnings Rate in effect at the time of the authorization as specified in R2-8-118(A);
- f. Payments specified in this Irrevocable PDA are in addition to the regular contributions required pursuant to A.R.S. §§ 38-736 and 38-797.05;
- g. The ASRS shall apply credited service to the Eligible Member's account upon receipt of payments authorized by the Eligible Member under this Irrevocable PDA; and
- h. The ASRS shall not transfer, refund, or disburse the administrative interest that the ASRS charges pursuant to subsection (B)(1)(e);

2. Statements of Understanding:

- a. It is the Eligible Member's responsibility to ensure the Eligible Member's Employer properly deducts payments and submits contributions as provided by the terms of the Irrevocable PDA;
- b. Payments specified by the terms of this Irrevocable PDA shall be made directly to the ASRS from the Eligible Member's Employer and the Eligible Member does not have the option of receiving such payments directly from the Employer;
- c. The Eligible Member's Employer shall make payments pursuant to this Irrevocable PDA after other mandatory deductions are made;
- d. The Eligible Member's Employer cannot accept an election to change this Irrevocable PDA.
- e. The Eligible Member has up to 14 days to request the ASRS calculate the remaining balance of this Irrevocable PDA after the earlier of:
  - i. Terminating employment;
  - ii. Terminating LTD without returning to work with an Employer; or
  - iii. The effective ASRS retirement date;
- f. The Eligible Member must complete a purchase of the remaining balance on this Irrevocable PDA by the due date specified on the PDA Pay-off Invoice.
- g. It is the Eligible Member's responsibility to notify the ASRS of any changes in the Eligible Member's employment that may affect the status of this Irrevocable PDA;
- h. If the Eligible Member terminates employment and returns to work with an Employer within 120 days of terminating employment, this Irrevocable PDA must continue with the new Employer pursuant to R2-8-513.01; and
- i. If the Eligible member terminates employment and does not return to work with an Employer within 120 days of terminating employment, the ASRS shall terminate this Irrevocable PDA pursuant to R2-8-513.01.

~~C.~~ By submitting the Irrevocable PDA to the ASRS, the Irrevocable PDA is deemed to be signed by the Eligible Member.

~~D.~~ At the time the ~~eligible member~~Eligible Member signs ~~elects~~ the Irrevocable Payroll Deduction Authorization, PDA, the ~~eligible member~~Eligible Member may elect to use ~~termination pay~~Termination Pay towards the balance of the Irrevocable Payroll Deduction Authorization, PDA if the ~~eligible member~~Eligible Member terminates employment. If the ~~eligible member~~Eligible Member elects to use Termination Pay, ~~chooses this option, the eligible member~~Eligible Member shall complete the Termination Pay Addendum to the Irrevocable Payroll Deduction Authorization and return ~~submit the Irrevocable PDA~~it to the ASRS along with the remainder of the Irrevocable Payroll Deduction Authorization that includes: ~~with the following information:~~

1. A statement that the ~~member~~Eligible Member:

- a. Understands and agrees that the ~~member~~Eligible Member must continue working at least ~~three full calendar months~~Three Full Calendar Months after the date of submission of the form before ~~termination pay~~Termination Pay may be used on a pre-tax basis;
- b. Understands that if the ~~termination payment~~Termination Pay exceeds the balance owed on the Irrevocable Payroll Deduction Authorization, PDA, the overage will be returned to the ~~ASRS employer~~Employer to be distributed to the ~~member~~; and ~~Eligible Member~~;
- e. Elects to irrevocably agree to have termination pay that may be payable to the member upon termination of employment sent to the ASRS on a pre-tax basis and used toward any remaining balance of the Irrevocable Payroll Deduction Authorization if all scheduled payroll deductions have not been completed upon termination of service; and
- c. Understands that the election to use Termination Pay is binding and irrevocable;
- d. The Eligible Member's Termination Pay must be received and processed before the ASRS will accept any other form of payment;
- e. The Eligible Member's Employer is required to make payment directly to the ASRS after mandatory deductions are made, and the Eligible Member does not have the option of receiving the funds directly from the Employer;
- f. It is the Eligible Member's responsibility to ensure that the Eligible Member's Employer properly deducts Termination Pay;



- g. The amount of Termination Pay the Eligible Member elects is irrevocable pursuant to § 414(h)(2) of the IRC;
- h. If the Eligible Member terminates employment and immediately retires, the Eligible Member's retirement processing may be delayed; and
- 2. A statement Whether the Eligible Member is electing that either all termination pay Termination Pay or a specified amount of termination pay Termination Pay is to be applied to the balance of the Irrevocable Payroll Deduction Authorization PDA.
- E. The ASRS shall:
  - 1. Charge interest on the unpaid balance at the assumed actuarial investment earnings rate approved by the Board Assumed Actuarial Investment Earnings Rate in effect at the time the authorization was entered into; Eligible Member submitted the request to purchase service as specified in R2-8-118(A);
  - 2. Limit the payroll deduction time period to a maximum of 20 years; 520 payments; and
  - 3. Require a minimum payment of \$10.00 per payroll period, or payment in an amount to purchase at least .001 year years of service credit Service Credit per payroll period, whichever is greater.
- F. The ASRS shall transmit the Irrevocable Payroll Deduction Authorization to the active member's ASRS employer, and the ASRS employer Employer shall implement the payroll deduction on the first pay period after receiving the Irrevocable Payroll Deduction Authorization PDA.
- G. If a deduction is not made under an Irrevocable Payroll Deduction Authorization PDA within six months after the member Eligible Member signs submits the authorization, the authorization lapses and the member Eligible Member may make another request, which is recalculated based on the new request date unless the failure to begin deductions is due to an ASRS error.
- H. A period of leave of absence, long term disability LTD, or Presidential Call-up military call-up shall not cancel the Irrevocable Payroll Deduction Authorization PDA. The ASRS employer Employer shall resume deductions immediately upon the member's Eligible Member's return to that employment Employer. The period during which the member Eligible Member is on leave of absence, on long term disability LTD, or leaves work because of a Presidential Call-up military call-up is not included in the 20-year payment time limitation under subsection (E)(2)-(D)(2). If the member Eligible Member does not return to active working status, whether due to termination of employment or retirement, the member Eligible Member may elect to purchase the balance of unpaid service under the Irrevocable Payroll Deduction Authorization PDA at the time of termination or retirement as specified in this Section.
- I. Deductions made pursuant to an Irrevocable Payroll Deduction Authorization PDA continue until the:
  - 1. Irrevocable Payroll Deduction Authorization PDA is completed;
  - 2. Eligible Member retires, whether or not the member Eligible Member continues employment as allowed in A.R.S. §§ 38-766.01 and 38-764(J); or 38-764(I);
  - 3. Eligible Member terminates all ASRS employment without transferring employment; or
  - 4. Date of the Eligible Member's death.
- J. If a member an Eligible Member retires or terminates employment from all ASRS employers Employers without transferring employment as stated in R2-8-513.01 before all deductions are made as authorized by the Irrevocable Payroll Deduction Authorization PDA, the ASRS shall cancel the Eligible Member's member's Irrevocable PDA purchase of service credit is canceled unless the member Eligible Member notifies the ASRS of the Eligible Member's intent to purchase the remaining amount in writing during the period 14 days before to within 14 days after the earlier of either termination or retirement or termination from all ASRS employment of the intent to purchase the remaining amount due in a lump sum.
- K. When the member Eligible Member notifies the ASRS of retirement or termination from all ASRS employment and requests to pay off the Irrevocable Payroll Deduction Authorization PDA, the ASRS shall send the member Eligible Member a PDA pay-off Pay-off Invoice letter to the mailing address given by the member through the Eligible Member's secure ASRS account. The ASRS shall calculate the amount owed by the member Eligible Member and reduce the amount owed by any excess interest that the member has paid.
- L. Within 30 days of the date of the PDA pay-off letter By the date payment election is due, the member Eligible Member shall ensure that the ASRS receives the completed SP Payment Request form with the information specified in R2-8-502(C) R2-8-502(D)(2).
- M. The member Eligible Member may purchase the remaining service credit Service Credit by one or more of the following methods by the due date specified on the PDA Pay-off Invoice:
  - 1. By check, cashier's check, or money order made out to the ASRS under any method specified in R2-8-512;
  - 2. By making a request to the ASRS for a rollover or transfer under R2-8-514 and completing the rollover or transfer within 90 days of the date of by the due date specified on the PDA pay-off letter; Pay-off Invoice; or
  - 3. By termination pay distribution Termination Pay under R2-8-519, if the member Eligible Member authorized this option at the time the member Eligible Member signed the Irrevocable Payroll Deduction Authorization PDA.

**R2-8-513.01. Irrevocable Payroll Deduction Authorization PDA and Transfer of Employment to a Different ASRS employer Employer**

- A. If an Eligible Member Transfers Employment, the Eligible Member's new Employer shall continue to make deductions pursuant to an An Irrevocable Payroll Deduction Authorization PDA continues if a member transfers employment.
- B. If an Eligible Member terminates employment without having accepted an offer to work with an Employer, the ASRS shall terminate an An Irrevocable Payroll Deduction Authorization ends if a member terminates employment without having accepted an offer to work for a new ASRS employer, and the member is not already an active member working for a different ASRS employer. The member shall then pay off the Irrevocable Payroll Deduction Authorization as specified in R2-8-513(J)-PDA.
- C. Notwithstanding subsection (B), if a retirement contribution is due from the a new ASRS employer Employer within 120 days from the member's Eligible Member's termination date with the previous employer Employer, there is a rebuttable presumption that there is a transfer of employment the ASRS shall determine that the Eligible Member Transferred Employment, unless the Eligible Member notified the ASRS of the termination of employment. If a retirement contribution is not received within 120 days, the Irrevocable Payroll Deduction Authorization terminates.



- D.** If an Eligible Member who has elected Termination Pay pursuant to R2-8-513(D), Transfers Employment, the ASRS shall not accept any Termination Pay that the ASRS receives from the Eligible Member's previous Employer.

**R2-8-513.02. Termination Date**

For the purpose of an Irrevocable ~~Payroll Deduction Authorization, PDA~~, the date a ~~member~~ Eligible Member is considered terminated from an ~~ASRS employer~~ Employer is:

1. For a ~~member~~ Eligible Member terminating employment, the ~~member's~~ Eligible Member's last pay period end date with that ~~ASRS employer~~ Employer;
2. For a ~~member~~ Eligible Member on ~~Presidential Call-up~~ military call-up who does not return to the same ~~ASRS employer~~ Employer:
  - a. ~~Ninety 90~~ 90 days from the date of separation from ~~Presidential Call-up service~~ military call-up;
  - b. ~~Ninety 90~~ 90 days from the date released from the hospital, if injured while on ~~Presidential Call-up service~~ military call-up; or
  - c. The date the ~~member~~ Eligible Member has been hospitalized for ~~one year~~ two years for injuries sustained as a result of participating in a ~~Presidential Call-up~~ or military call-up;
  - d. ~~The date of the member's death as a result of participating in a Presidential Call-up~~;
3. For a ~~member~~ Eligible Member on leave of absence without pay who does not return to the same ~~ASRS employer~~ Employer, the date the ~~ASRS employer~~ Employer required the ~~member~~ Eligible Member to return to work;
4. For a ~~member~~ Eligible Member who is unable to work because of a disability, the later of:
  - a. The date the ~~member's~~ Eligible Member's request for long-term disability benefits are denied;
  - b. The date the ~~member~~ Eligible Member no longer has ~~sick leave and annual leave~~ leave with pay available; or
  - c. For a ~~member~~ Eligible Member on long-term disability who does not return to the same ~~ASRS employer~~ Employer or ~~transfer employment~~ Transfer Employment, the date long-term disability benefits are terminated.

**R2-8-514. Purchasing Service Credit by Direct Rollover or Trustee-to-Trustee Transfer**

- A. An ~~eligible member~~ Eligible Member may purchase ~~service credit~~ Service Credit or pay off an Irrevocable ~~Payroll Deduction Authorization~~ by ~~direct rollover at retirement or termination of employment without transferring employment~~ Direct Rollover or Trustee-to-Trustee Transfer pursuant to this Article.
- B. ~~By the due date specified by the method of payment the Eligible Member elected~~, By the due date specified on the SP invoice, the ~~member~~ Eligible Member shall ensure that the ASRS receives the ~~payment for the service purchase and a completed Direct Rollover/Transfer Certification to Purchase Service Credit form~~ Service Purchase Payment Request form with the information specified in R2-8-502(D)(2).
- C. ~~Upon receipt of the completed Service Purchase Payment Request form~~, the ASRS shall provide a ~~Direct Rollover/Transfer Certification to Purchase Service Credit form~~, if the ASRS has not already provided the member with the form.
- D. ~~The member shall ensure that the ASRS receives the Direct Rollover/Transfer Certification to Purchase Service Credit form completed by the member and the plan making the distribution within 90 days after the issue date of the SP Invoice~~.
- D. An Eligible Member who chooses to purchase Service Credit shall provide the following to the ASRS:
  1. The name of the financial institution or plan;
  2. Whether the Eligible Member is choosing to rollover/transfer the entire balance of their account and if not, the amount of the rollover/transfer;
  3. Acknowledgement of the following information:
    - a. After-tax funds are only acceptable from 401(a) and 403(b) plans and must be listed separately from the portion that is pre-tax on the payment as after-tax amounts. This information must be provided to the ASRS with the payment.
    - b. The only fund types that the ASRS accepts are:
      - i. 401(a);
      - ii. 401(k) pre-tax only;
      - iii. 403(b);
      - iv. Governmental 457 pre-tax only;
      - v. 403(a) pre-tax only;
      - vi. 408 Traditional IRA pre-tax only;
      - vii. 408(k) SEP IRA pre-tax only;
      - viii. 408(p) Simple IRA pre-tax only and only if the Eligible Member participated for at least two years in this plan;
    - c. The ASRS shall not accept the following fund types:
      - i. Roth funds;
      - ii. Funds already distributed to the Eligible Member from a retirement plan listed in subsection (3)(b);
      - iii. Inherited IRA;
      - iv. Coverdale Education Savings Account funds;
      - v. Hardship distributions;
      - vi. Funds not includable in gross income;
      - vii. Funds required under § 401(a)(9) of the IRC because the Eligible Member have attained age 70½;
      - viii. One of a series of substantially equal periodic payments made at least annually for the Eligible Member's life;
      - ix. One of a series of substantially equal periodic payments made for 10 years or more;
      - x. After-tax contributions from any plan other than a 401(a) or 403(b) qualified plan;
    - d. The funds must be sent as a Direct Rollover from a plan listed in subsection (3)(b) and issued to the ASRS for the benefit of the Eligible Member. If the payment is issued to anyone other than the ASRS, including the Eligible Member, then within 60 days of the plan issuing the payment, the Eligible Member must place the payment into a plan specified in subsection (3)(b) to be reissued directly to the ASRS.



- e. It is the Eligible Member's responsibility to contact the administrator of the plan from which the Direct Rollover will be made and have it initiated. The Eligible Member must also ensure all rollovers are completed by the due date. If the ASRS does not receive payment by the due date, the invoice will expire and the payment will be returned to the Eligible Member.
  - f. If the ASRS accepts a rollover and later determines that it was not eligible, the ASRS will distribute the invalid payment directly to the Eligible Member. Any taxes, penalties, and interest that the IRS, any taxing authority, or financial institution may assess against the Eligible Member due to an invalid payment are solely the Eligible Member's responsibility.
  - g. The plan from which the Eligible Member is rolling over funds must be solely in the Eligible Member's name. The Eligible Member may be a spousal beneficiary of a deceased person or an alternate payee on the plan from which the Eligible Member is rolling over funds.
- E. The information requested on the An Eligible Member who chooses to purchase Service Credit pursuant to this section shall submit a Direct Rollover/Transfer Certification to Purchase Service Credit form that includes:
1. The Eligible Member's full name;
  2. ~~Member's~~ The last 4 digits of the Eligible Member's Social Security number;
  3. ~~Member's mailing address;~~
  4. ~~Member's daytime telephone number;~~
  5. ~~The amount of each rollover or transfer, if applicable;~~
  6. ~~The account number of each plan, if applicable;~~
  - 7-3. ~~The member's~~ Eligible Member's signature certifying that the member Eligible Member understands the requirements, limitations, and entitlements for the rollover/transfer that is being used to purchase service credit, Service Credit, and has read and understands the Direct Rollover/Transfer Certification to Purchase Service Credit form and any accompanying instructions and information sheets;
  8. ~~The date the member signs the form;~~
  - 9-4. ~~The authorized representative's~~ Authorized Representative's name and title;
  10. ~~The authorized representative's address;~~
  - 11-5. ~~The authorized representative's~~ Authorized Representative's telephone number;
  - 12-6. Certification by the authorized representative Authorized Representative's dated signature that:
    - a. The plan is either:
      - i. A qualified pension, profit sharing, or 401(k) plan described in IRC § 401(a), or a qualified annuity plan described in IRC § 403(a);
      - ii. A deferred compensation plan described in IRC § 457(b) maintained by a state of the United States, a political subdivision of a state of the United States, or an agency or instrumentality of a state of the United States;
      - iii. An annuity contract described in IRC § 403(b); or
      - iv. An IRA described in A.R.S. § 38-747(H)(3);
    - b. The rollover/transfer specified on the form from which the pre-tax funds are being rolled over or transferred is intended to satisfy the requirements of the applicable section of the Internal Revenue Code IRC;
    - c. ~~The authorized representative~~ Authorized Representative is not aware of any plan provision or any other reason that would cause the plan/IRA not to satisfy the applicable section of the Code IRC; and
    - d. The funds will be sent to the ASRS as a direct plan rollover, IRA rollover, or a trustee-to-trustee transfer Trustee-to-Trustee Transfer; and
  13. ~~The date and signature of the authorized representative.~~
- ~~F.~~ The ASRS shall provide the member with written notification regarding the eligibility of the rollover.
- ~~G.E.~~ The member Eligible Member shall contact the plan administrator Plan Administrator to have the funds distributed and transferred to the ASRS. Except as provided in subsection (H), unless Unless the ASRS receives a check for the correct amount from the plan and all documents required by this Article by the due date specified by the method of payment the Eligible Member elected, within 90 days of the issue date on the SP invoice, the ASRS shall cancel the request to purchase service credit as specified in R2-8-502(C)-Service Credit.
- ~~H.~~ At the written request of the member, the ASRS shall provide an extension of 60 days in which the check may be received by the ASRS from the plan at the written request of the member, if:
1. The member has followed the procedure in this Article for requesting to purchase service credit;
  2. The member has responded to the ASRS correspondence within the time frame set forth in this Article;
  3. The eligible plan has not provided to the ASRS the check to pay for the requested service credit purchase within 90 days of the date of the SP invoice, and
  4. The member makes the written request for extension before expiration of the 90 days.
- ~~I.F.~~ The member Eligible Member shall ensure that the ASRS receives a check from the plan, made payable to the ASRS, for an amount that does not exceed the amount specified on the SP Invoice.
- ~~J.G.~~ If the payment from the eligible plan exceeds the amount specified on the SP Invoice, the ASRS shall return the entire payment to the member. Eligible Member.
- R2-8-515. Purchasing Service Credit by Trustee to Trustee Transfer Repealed**
- ~~A.~~ An eligible member may purchase service credit or pay off an Irrevocable Payroll Deduction Authorization at retirement or termination of employment without transferring employment by a trustee to trustee transfer if the member participates in:
1. A deferred compensation plan described in IRC § 457 that is maintained by:
    - a. ~~The state of Arizona;~~
    - b. ~~A political subdivision, agency, or instrumentality of the state of Arizona; or~~
    - e. ~~A political subdivision entity of the state of Arizona;~~
  2. ~~An annuity contract described in IRC § 403(b); or~~
  3. ~~A retirement program qualified under IRC § 401(a) or 403(a).~~



- B.** By the due date specified on the SP invoice, the ASRS shall receive from the member the completed Service Purchase Payment Request form described in R2-8-502(D)(2).
- C.** Upon receipt of the completed Service Purchase Payment Request form, the ASRS shall provide a Direct Rollover/Transfer Certification to Purchase Service Credit form, if the ASRS has not already provided the member with the form.
- D.** The member shall ensure that the member and the plan administrator complete the Direct Rollover/Transfer Certification to Purchase Service Credit form, containing all of the applicable information identified in R2-8-514(E), and ensure that the ASRS receives the form within 90 days after the issue date on the SP Invoice.
- E.** The ASRS shall provide the member with written notification regarding the eligibility of the transfer.
- F.** The member shall contact the plan administrator to have the funds transferred to the ASRS. Except as provided in subsection (G), unless the ASRS receives the check for the correct amount from the plan within 90 days of the issue date on the SP invoice, the ASRS shall cancel the request to purchase service credit as specified in R2-8-502(C).
- G.** The ASRS shall provide an extension of 60 days in which the check may be received by the ASRS from the plan at the written request of the member, if:
  1. The member has followed the procedure under this Article for requesting to purchase service credit,
  2. The member has responded to the ASRS correspondence within the time frame set forth in this Article,
  3. The eligible plan has not provided to the ASRS the check to pay for the requested service credit purchase within 90 days of the date of the SP invoice, and
  4. The member makes the written request for extension before expiration of the 90 days.
- H.** The member shall ensure that the ASRS receives a check from the plan, made payable to the ASRS, for an amount that does not exceed the amount specified on the SP Invoice.
- I.** If the payment from the eligible plan exceeds the amount specified on the SP Invoice, the ASRS shall return the entire payment to the member and notify the member of the correct amount due.

#### **R2-8-519. Purchasing Service Credit by Termination Pay Distribution**

- A.** To purchase service credit Service Credit using termination pay distribution Termination Pay, an eligible member Eligible Member shall, no more than six months before the date the eligible member plans to retire or terminate employment, request to purchase service credit as specified in R2-8-502 and specify that the member wants to use termination pay distribution to pay for the service credit. Upon receipt of the acknowledgement letter identified in R2-8-502, the eligible member shall provide documentation for service credit as required by this Article, within 30 days of the eligible member's request to purchase service credit. elect to use Termination Pay by the date payment election is due.
- B.** Upon receipt of the documentation required by this Article from the eligible member and if the eligible member's request to purchase service credit meets the requirements of this Article, the ASRS shall provide a:
  1. SP invoice stating the cost to purchase the requested amount of service credit and the date the payment is due, and
  2. Service Purchase Payment Request form as described in R2-8-502(D)(2).
- B.** An Eligible Member who elects to use Termination Pay pursuant to this section, shall provide the ASRS with the Eligible Member's anticipated termination date which cannot be more than six months from the date the ASRS issues the SP Invoice and must be at least Three Full Calendar Months after the date the Eligible Member elects and submits Termination Pay as a method of payment.
- C.** By the due date specified on the SP invoice, the member shall ensure that the ASRS receives the completed Service Purchase Payment Request form.
- D-C.** Upon receipt of the Service Purchase Request form, if the member indicates the member wishes to purchase service credit by termination pay distribution, the ASRS shall send the member a Termination Pay Authorization for the Purchase of Service Credit form to complete and return within the time limitation specified in subsection (E) that includes: An Eligible Member who elects to use Termination Pay pursuant to this section, shall provide the ASRS with a Termination Pay Authorization for the Purchase of Service Credit form with the following information:
  1. Member's full name,
  2. Member's Social Security number,
  3. Member's daytime telephone number,
  4. The Request ID number listed on the SP invoice,
  - 5-1. The Name name of the ASRS employer, Employer that will be submitting the Termination Pay to the ASRS;
  - 6-2. Whether the member Eligible Member elects to use all termination pay Termination Pay or a specific amount of termination pay to purchase service credit, Termination Pay;
  - 7-3. Signature of the member Eligible Member, certifying that the member Eligible Member understands that:
    - a. The member Eligible Member is required to continue working at least three full calendar months Three Full Calendar Months after the date the member Eligible Member submits the Termination Pay Authorization for the Purchase of Service Credit form before termination pay Termination Pay may be used on a pre-tax basis;
    - b. If the member Eligible Member terminates employment more than six months after the date on the SP invoice Invoice, the member Eligible Member may purchase the service credit Service Credit at a newly calculated rate and possibly at a higher cost;
    - c. The terms elected in the Termination Pay Authorization for the Purchase of Service Credit form is are binding and irrevocable;
    - d. The member's Eligible Member's employer Employer is required to make payment directly to the ASRS after mandatory deductions are made, and the member Eligible Member does not have the option of receiving the funds directly from the employer; Employer;
    - e. The ASRS shall apply service credit to the member's account upon the receipt of payments authorized by the member by the Termination Pay Authorization for the Purchase of Service Credit form; The Eligible Member's Termination Pay must be received and processed before the ASRS will accept any other form of payment;



- f. ~~If the member elects to purchase with termination pay only a portion of the service credit that the member is entitled to purchase, the member may be eligible to use other forms of payment to purchase additional service credit. However, using other forms of payment to purchase additional service credit does not alter, amend, or revoke the terms of the Termination Pay Authorization for the Purchase of Service Credit form;~~
  - ~~g.f.~~ It is the member's Eligible Member's responsibility to ensure that the member's Eligible Member's employer Employer properly deducts termination pay Termination Pay, as provided in the Termination Pay Authorization for the Purchase of Service Credit form; and
  - ~~h.g.~~ The amount of termination pay Termination Pay the member Eligible Member elects is irrevocable pursuant to § 414(h)(2) of the IRC; allowed to apply to purchase service credit is subject to federal laws.
  - h. If the Termination Pay exceeds the balance due on the SP Invoice, the ASRS will return the difference to the Eligible Member's Employer to be distributed to the Eligible Member;
  - i. If the Eligible Member terminates employment and immediately retires, the Eligible Member's retirement processing may be delayed; and
  - j. The ASRS will send a notification to the Eligible Member's Employer two weeks prior to the Eligible Member's termination date, as indicated on the Termination Pay Authorization form, to notify the Employer that the Eligible Member's Termination Pay must be sent directly to the ASRS.
- ~~E.~~ In addition to the other time limitations in this Section, to apply termination pay to a service purchase the eligible member shall complete and sign the Termination Pay Authorization for the Purchase of Service Credit form, and the member shall ensure that the ASRS receives the Termination Pay Authorization for the Purchase of Service Credit form at least three full calendar months before the member retires or terminates employment.
- ~~F.D.~~ The ASRS shall not apply a termination pay distribution Termination Pay to an SP Invoice a service credit purchase covered by an Irrevocable Payroll Deduction Authorization PDA in effect at the time of termination, unless the eligible member Eligible Member signed elected at the Termination Pay Addendum to the Irrevocable Payroll Deduction Authorization specified in pursuant to R2-8-513(D) at the time the member signed authorized the Irrevocable Payroll Deduction Authorization PDA.
- ~~G.E.~~ If a member an Eligible Member elects to use all of the member's available termination pay Termination Pay to purchase service credit Service Credit, the ASRS shall not apply any other form of payment to the service credit Service Credit purchase until the ASRS receives the termination pay Termination Pay.
- E. Notwithstanding any other section, if an Eligible Member dies prior to terminating employment, the ASRS shall not accept Termination Pay.
- G. If an Eligible Member Transfers Employment, the ASRS shall not accept Termination Pay from the Eligible Member's previous Employer.

**R2-8-520. Termination of Employment and Request Return of Retirement Contributions or Death of Member While Purchasing Service Credit by an Irrevocable ~~Payroll Deduction Authorization PDA~~**

- ~~A.~~ If a member an Eligible Member terminates employment without transferring employment as specified in R2-8-513.01 while purchasing service credit Service Credit by an Irrevocable ~~Payroll Deduction Authorization PDA~~ and requests return of retirement contributions pursuant to A.R.S. § 38-740, the ASRS shall return any principal payments made for the purchase of service credit Service Credit including interest earned on those principal payments as determined by the Board at the interest rate specified in R2-8-118(A), column 3.
- ~~B.~~ If a member an Eligible Member dies while purchasing service credit Service Credit, the ASRS shall credit the member's Eligible Member's account with:
  - ~~1.~~ The service credit Service Credit for which the ASRS received payment pursuant to a PDA before the member's Eligible Member's death;
  - ~~2.~~ The principal payments made by the Eligible Member; and
  - ~~2.3.~~ Interest earned on payment through the date of distribution at the valuation rate established by the Board, and Assumed Actuarial Investment Earnings Rate specified in R2-8-118(A).
  - ~~3.~~ All service purchase payments.
- ~~C.~~ If a member an Eligible Member dies while purchasing service credit Service Credit, the ASRS shall not permit the survivor or an estate to purchase the remaining balance.
- ~~D.~~ The ASRS shall not transfer, disburse, or refund the administrative interest the ASRS charged as part of an Irrevocable ~~Payroll Deduction Authorization PDA~~ as specified in R2-8-513(E)(1).
- ~~E.~~ The ASRS shall not credit a member's account with the administrative interest the ASRS charged as part of an Irrevocable PDA as specified in R2-8-513.

**R2-8-521. Adjustment of Errors**

- ~~A.~~ If the ASRS determines an error has been made in the information provided by the member or in the calculations made by the ASRS, the ASRS shall make an adjustment, including, but limited to, increasing or decreasing a member's total credited service with the ASRS and increasing or decreasing the payment amount to the member's account and return ineligible payments, if any.
- ~~B.~~ If the ASRS determines that a member is receiving or is eligible to receive retirement benefits from another public employee retirement system that makes the member ineligible to purchase service credit for the same period, the ASRS shall revoke that purchase of service credit, and return any payments made, less any interest payments made, if applicable.
- ~~C.B.~~ The ASRS shall notify the member in writing of any adjustments.

**ARTICLE 7. CONTRIBUTIONS NOT WITHHELD**

**R2-8-701. Definitions**

The following definitions apply to this Article unless otherwise specified:



1. "218 agreement" means a written agreement between the state, political subdivision, or political subdivision entity and the Social Security Administration, under the provisions of § 418218 of the Social Security Act, to provide Social Security and Medicare or Medicare-only coverage to employees of the state, political subdivision, or political subdivision entity.
2. "Documentation" means a pay stub, completed W-2 form, completed Verification of Contributions Not Withheld form, ~~employe~~Employer letter or spreadsheet, completed State Personnel Action Request Form, Social Security Earnings Report, employment contract, payroll record, timesheet, or other ~~ASRS employer-provided~~Employer-provided form that includes:
  - a. Whether the employee was covered under the ~~ASRS employer's~~ Employer's 218 agreement Agreement prior to July 24, 2014,
  - b. The number of hours the member worked or length of time the member was employed by the ASRS employer, or for the Employer per pay period, and
  - c. The compensation paid to the member by the ASRS employer. The amount and type of compensation earned by the member within each pay period.
3. "Eligible service" means employment with an ~~ASRS employer~~Employer:
  - a. That is no more than 15 years before the date the ASRS receives written credible evidence that less than the correct amount of contributions were paid into the ASRS or the ASRS otherwise determines that less than the correct amount of contributions were made as specified in A.R.S. § 38-738(C); and
  - b. In which the member ~~worked a minimum of 20 hours per week for at least 20 weeks in a service year for at least one ASRS employer from 7/1/1999 to the present. was Engaged to Work for an Employer.~~
4. "Engaged to Work" means the same as in R2-8-1001.

#### **R2-8-702. General Information**

- ~~A.~~ Verified eligible service that occurred more than 15 years before the date ASRS receives the information identified in R2-8-704(A)(1) is considered public service credit as provided in A.R.S. § 38-738(D), and is not applied under this Article.
- ~~B.A.~~ The ASRS employer Employer shall pay the ASRS employer's Employer's portion of the contributions the ASRS determines is owed under R2-8-706 whether or not the member pays the member's portion of the contributions.
1. ~~The member has withdrawn contributions as specified in R2-8-115; or~~
  2. The member pays the member's portion of the contributions.
- ~~C.B.~~ The person who initiates the claim that contributions were not withheld for eligible serviceEligible Service has the burden to prove a contribution error was made.
- ~~D.C.~~ The ASRS shall not waive payment of contributions or interest owed under this Article.
- ~~E.D.~~ If a member is not able to establish eligibility for purchasing service credit pursuant to this Article, the member may be eligible to purchase service pursuant to for which contributions were not withheld, but is able to establish a period of employment by an ASRS employer the member may request to purchase service credit for that period under A.R.S. § 38-743 and Article 5 of this Chapter.

#### **R2-8-703. ASRS Employer's Employer's Discovery of Error**

If an ~~ASRS employer~~ Employer determines that any amount of contributions have not been withheld for a member for a period of eligible serviceEligible Service, the ASRS employer Employer shall notify the ASRS in writing, and shall provide ASRS with the member's full name, Social Security number, months, years, and hours per week worked, the compensation each fiscal year for the time periods worked, and the member's position title and status at the time contributions should have been withheld by submitting through the Employer's secure ASRS account a Verification of Contributions Not Withheld form with the following information:

1. The member's full name;
2. The member's Social Security number;
3. The range of dates that any contribution was not withheld;
4. The member's position title during the date range listed in subsection (3);
5. The amount and type of compensation the member was entitled to receive, and the number of hours the member worked for the Employer per pay period for each fiscal year;
6. The member's hire date;
7. Whether the member was Engaged to Work for the Employer;
8. Whether the position was covered under the Employer's 218 Agreement for periods prior to July 24, 2014;
9. The dated signature of the Employer's authorized agent certifying:
  - a. All the dates and salary information is correct;
  - b. The person submitting this form has the legal power to enter into binding transactions with the ASRS;
  - c. Acknowledgement the Employer will receive an invoice for the contributions owed for Eligible Service only, as well as the accumulated interest on the contributions that were not withheld for both the member and Employer contributions; and
  - d. Acknowledgement the member will receive an invoice for their contributions owed.

#### **R2-8-704. Member's Discovery of Error**

- ~~A.~~ If a member believes that an Employer has not withheld contributions for the member for a period of eligible serviceEligible Service, the member shall:
- ~~A.~~ Provide the Employer with documentation of the member's claim and request that the Employer provide verification that includes the information in the Verification of Contributions Not Withheld form or complete a Verification of Contributions Not Withheld form that includes:
1. The member's full name;
  2. Other names used by the member;
  3. The member's Social Security number;
  4. Whether the position was covered under the Employer's 218 agreement prior to July 24, 2014;
  5. The position title the member held at the time the contributions should have been withheld;



- 6. The eligibility of the member at the time the contributions should have been withheld;
- 7. The following statements of understanding and agreements certified by the authorized Employer representative's signature indicating:
  - a. I understand it is my responsibility to verify the accuracy of the information I am providing on this form. I understand any individual who knowingly makes a false statement, or who falsifies or permits to be falsified any record of the ASRS with an intent to defraud the ASRS, is guilty of a Class 6 felony pursuant to A.R.S. § 38-793; and
  - b. I understand that, based on the information provided on this form, the ASRS may determine that contributions are owed on behalf of the member listed on this form, and the Employer may incur a substantial financial obligation. I understand that I may receive an invoice for the member contributions I owe.
- 8. The following information by fiscal year:
  - a. All pay period end dates;
  - b. The hours per week worked within each pay period; and
  - e. The compensation earned by the member within each pay period.
- 9. The name of the Employer;
- 10. The printed name and signature of the authorized Employer representative;
- 11. The daytime telephone number of the authorized Employer representative;
- 12. The title of the authorized Employer representative; and
- 13. The date the authorized Employer representative signed the form;
- 1. Notify the member's Employer that the Employer has not withheld contributions correctly by contacting the Employer directly;  
or
- 2. Submit to the ASRS a Contributions Not Withheld Request form through the member's secure ASRS account with the following:
  - a. The name of the Employer that should have remitted contributions;
  - b. The range of dates that any contribution was not withheld;
  - c. The member's position title during the date range listed in subsection (b);
  - d. Whether the member was Engaged to Work for the Employer;
  - e. Dated signature of the member certifying the member understands:
    - i. The ASRS will be providing the member's Social Security number to the Employer for verification; and
    - ii. If the member's Employer cannot verify this request, it is the member's responsibility to provide Documentation of Eligible Service.
- B. Provide the ASRS with the completed Verification of Contributions Not Withheld form; and If the information provided by the eligible member pursuant to subsection (A) is correct, the Employer shall validate the information and submit the information to the ASRS through the Employer's secure ASRS account. If the information provided by the eligible member pursuant to subsection (A) is incorrect, the Employer shall correct the information and submit the information to the ASRS through the Employer's secure ASRS account, along with the information identified in subsection R2-8-703.
- C. If the Employer refuses to fill out the Verification of Contributions Not Withheld form, or if the member disputes the information the Employer completes on the form, the member shall provide the ASRS with the ~~documentation~~Documentation the member believes supports the allegation that contributions should have been withheld, that includes proof:
  - 1. ~~That the employee was covered under the ASRS Employer's 218 agreement prior to July 24, 2014;~~
  - 2. ~~Of the number of hours worked;~~
  - 3. ~~Of the length of time the member was employed by the Employer, and~~
  - 4. ~~Of the compensation paid to the member by the Employer.~~

**R2-8-705. ASRS' Discovery of Error**

If the ASRS determines, as specified in A.R.S. § 38-738(B)(7), that ~~all~~ contributions have not been withheld for a member for a period of ~~eligible service~~Eligible Service, the ASRS shall notify ~~the member and the ASRS employer~~Employer in writing and shall request the Employer submit through the Employer's secure ASRS account a Verification of Contributions Not Withheld form pursuant to R2-8-703. ~~following information:~~

- 1. ~~The months, years and hours per week worked;~~
- 2. ~~The compensation earned by the member each fiscal year for the time periods worked; and~~
- 3. ~~The member's position title at the time contributions should have been withheld.~~

**R2-8-706. Determination of Contributions Not Withheld**

- A. Upon receipt of the information listed in R2-8-703, R2-8-704, or R2-8-705, the ASRS shall review the information to determine whether or not member contributions should have been withheld by the Employer, the length of time those contributions should have been withheld, and the amount of contributions that should have been withheld.
- B. Except for a member who met ~~active membership requirements~~the requirements to be an active member while simultaneously contributing to another retirement plan listed in subsection (B)(2), for purposes of this Article, the ASRS shall determine that contributions should not have been withheld for the period of service in ~~questions~~question if:
  - 1. An Employer remits an accurate ACR amount pursuant to R2-8-116; or
  - 2. The employee participates in:
    - a. Another Arizona retirement plan listed in A.R.S. Title 38, Chapter 5, Articles 3, 4, or 6; or
    - b. In an optional retirement plan listed in A.R.S. Title 15, Chapter 12, Article 3 or A.R.S. Title 15, Chapter 13, Article 2.
- C. Except for returning to work under A.R.S. § 38-766.01, the presence of a contract between a member and the Employer does not alter the contribution requirements of A.R.S. §§ 38-736 and 38-737.
- D. If there is any discrepancy between the ~~documentation~~ Documentation provided by the Employer and the ~~documentation~~Documentation provided by the member, a document used in the usual course of business prepared at the time in question is controlling.



- E. The ASRS shall provide to each the Employer and the member, a written statement an invoice with the following: that includes:
1. The amount of eligible service Eligible Service for which contributions were not withheld,
  2. ~~The dollar amount of contributions that should have been made;~~
  3. ~~2.~~ The dollar amount of the contributions to be paid to the ASRS by the Employer,
  4. ~~3.~~ The interest on the Employer contributions and member contributions to be paid to the ASRS by the Employer pursuant to A.R.S. § 38-738,
  4. The amount of the delinquent interest late charge to be paid to the ASRS by the Employer pursuant to A.R.S. § 38-735, and
  5. The dollar amount of contributions to be paid to the ASRS by the member; and
  6. ~~The various payment options that may apply to the member, as specified in R2-8-512 through R2-8-519.~~

#### **R2-8-707. Submission of Payment**

- A. ~~Within 90 calendar days from the date on the statement identified in R2-8-706(E), after the ASRS notifies the ASRS employer~~ Employer in writing of the amount due, the ASRS employer shall pay to the ASRS the amount due to be paid by the Employer. all ASRS employer contributions, including accrued interest on both the ASRS employer and member contributions, from the date the contributions were due to the date the ASRS notifies the ASRS employer of the amount due. An ASRS employer Employer who makes payment under A.R.S. § 38-738(B)(3) is not liable for additional interest that may accrue as a result of a member's failure to remit payment required by A.R.S. § 38-738(B)(1). If the ASRS does not receive full payment of the ASRS employer's Employer's amount due within 90 calendar days after the ASRS notifies the ASRS employer Employer of the amount due, the full amount due will accrue interest on the amount not paid, as provided in A.R.S. § 38-738(B)(3), will accrue from the 91st day until the ASRS employer pays the full amount. The ASRS may collect the unpaid balance plus interest pursuant to A.R.S. § 38-735(C).
- B. ~~An ASRS employer may pay the amount the ASRS employer believes may be due at any time before ASRS's notification of the amount due in order to prevent the accrual of interest after the date of the payment. Any amount the ASRS employer pays that the ASRS determines is not owed shall be refunded to the ASRS employer. The member shall make payment to the ASRS pursuant to A.R.S. § 38-738 by the due date specified on the member's invoice identified in R2-8-706(E).~~
- C. ~~A member may purchase eligible service for which contributions were not withheld in accordance with the requirements of Article 5 of this Chapter for purchase of service credit. If the ASRS does not receive full payment of the ASRS employee's member's amount due by the due date specified on the member's invoice identified in R2-8-706(E) within 90 calendar days after the ASRS notifies the member that the ASRS received the ASRS employer's full payment, the full amount due will accrue interest on the amount not paid, as provided in A.R.S. § 38-738(B)(1), will accrue from the 91st day until the member pays the full amount.~~
- D. A member does not receive service credit or credit for salary until both the Employer and member portions of the contributions and all interest has been paid pursuant to A.R.S. § 38-738.

#### **R2-8-709. Nonpayment of Contributions Repealed**

- ~~A. A member receives service credit only for the portion of service the ASRS has determined is eligible and that the member has paid for.~~
- ~~B. A member does not receive service credit until both the ASRS employer and member portions of the contributions have been paid.~~
- ~~C. If the ASRS employer does not pay, the ASRS shall take any steps legally authorized to collect payment. Any steps the ASRS may take to collect payment are separate from any action a member may elect to take against the ASRS employer.~~

### **ARTICLE 11. TRANSFER OF SERVICE CREDIT**

#### **R2-8-1101. Definitions**

The following definitions apply to this Article unless otherwise specified:

1. "Actuarial present value" means an amount in today's dollars of a member's future retirement benefit calculated using appropriate actuarial assumptions and the:
  - a. Member's Current Years of Credited Service;
  - b. Member's age as of the date the Member submits to the ASRS a request to transfer service credit pursuant to this Article; and
  - c. Member's most recent annual compensation.
2. "Current years of credited service" means:
  - a. For Transfer In Service, the amount of credited service a member has earned or purchased, and the amount of service credit for which an Irrevocable PDA is in effect for which the member has not yet completed payment, but does not include any current requests to purchase service credit for which the member has not yet paid; and
  - b. For transferring service credit to the Other Retirement Plan, the amount of credited service a member has earned or purchased, but does not include service credit for which the member has not yet paid.
3. "Irrevocable PDA" means the same as in R2-8-501.
4. "Funded Actuarial Present Value" means the Actuarial Present Value reduced to the extent funded on market value basis as of the most recent actuarial evaluation of the ASRS.
5. "Member's accumulated contribution account balance" means the sum of all the member's retirement contributions and any principal payments made for:
  - a. The purchase of service credit;
  - b. Contributions not withheld; and
  - c. Previous transfers of service credit.
6. "Other retirement plan" means the state retirement plans specified in A.R.S. § 38-921, other than the ASRS, or a retirement plan of a charter city as specified in A.R.S. § 38-730.
7. "Other Retirement Plan's cost" means the amount determined by the ASRS pursuant to R2-8-1102(D).
8. "Other public service" means the same as in R2-8-501.



- 9. “Transfer in service” means credited service with the Other Retirement Plan that a member is eligible to transfer to the ASRS pursuant to A.R.S. §§ 38-730 and 38-921.

**R2-8-1102. Required Documentation and Calculations for Transfer In Service Credit**

- A.** A member who is eligible to Transfer In Service credit, may request to transfer service credit by providing a Transfer In form to the ASRS with the following:
  - 1. The name of the Other Retirement Plan;
  - 2. The date the member either terminated employment with an employer of the Other Retirement Plan or ceased to participate in the Other Retirement Plan;
  - 3. The date the member began employment with the employer through which the member was participating in the Other Retirement Plan;
  - 4. The number of years the member participated in the Other Retirement Plan;
  - 5. Acknowledgement the member agrees that:
    - a. Knowingly making a false statement or falsifying or permitting falsification of any record of the ASRS with an intent to defraud ASRS is a Class 6 felony, pursuant to A.R.S. § 38-793; and
    - b. The Transfer In Service credit transaction is subject to audit and if any errors are discovered, the ASRS shall adjust a member’s account, or if the member is already retired, adjustments to the member’s account may affect the member’s retirement benefit.
- B.** Upon receipt of the information specified in subsection (A), the ASRS shall submit the information to the Other Retirement Plan and request:
  - 1. The Other Retirement Plan’s Funded Actuarial Present Value pursuant to A.R.S. §§ 38-730 and 38-922;
  - 2. The Member’s Accumulated Contribution Account Balance in the Other Retirement Plan;
  - 3. The amount of service credit the member has accumulated in the Other Retirement Plan; and
  - 4. The start date and end date for the member’s participation in the Other Retirement Plan.
- C.** Upon receipt of the information specified in subsection (B), the ASRS shall calculate the Actuarial Present Value as specified in R2-8-506 necessary to transfer full service credit to the ASRS.
- D.** The ASRS shall calculate the Other Retirement Plan’s Cost as follows:
  - 1. If the ASRS Actuarial Present Value is greater than the Other Retirement Plan’s Funded Actuarial Present Value, then the Other Retirement Plan’s Cost is the greater of:
    - a. The Other Retirement Plan’s Funded Actuarial Present Value; or
    - b. The Member’s Accumulated Contribution Account Balance in the Other Retirement Plan;
  - 2. If the ASRS Actuarial Present Value is less than or equal to the Other Retirement Plan’s Funded Actuarial Present Value, then the Other Retirement Plan’s Cost is the greater of:
    - a. The ASRS Actuarial Present Value; or
    - b. The Member’s Accumulated Contribution Account Balance in the Other Retirement Plan.
- E.** The ASRS shall compare the Other Retirement Plan’s Cost to the ASRS Actuarial Present Value calculated pursuant to subsection (C) and:
  - 1. If the Other Retirement Plan’s Cost is less than the ASRS Actuarial Present Value, then the member may elect to transfer service credit to the ASRS and:
    - a. Pay the difference between the Other Retirement Plan’s Cost and the ASRS Actuarial Present Value; or
    - b. Accept a proportionately reduced amount of service credit;
  - 2. If the Other Retirement Plan’s Cost is greater than or equal to the ASRS Actuarial Present Value, then the member may elect to transfer the service to the ASRS pursuant to subsection (F).
- F.** Upon completion of the comparison specified in subsections (D) and (E), the ASRS shall send the member a transfer in invoice notifying the member of the member’s options to complete the transfer of service credit through the member’s secure ASRS account.
- G.** The member may elect to complete a transfer of service credit pursuant to this section by submitting the member’s election by the election due date specified on the transfer in invoice.
- H.** Upon receipt of the member’s election to complete a transfer of service credit, the ASRS shall send the transfer in invoice to the Other Retirement Plan and the Other Retirement Plan shall make payment to the ASRS by submitting a check made payable to the ASRS for the Other Retirement Plan’s Cost specified on the transfer in invoice by the payment due date specified on the transfer in invoice.
- I.** If a member elects to pay the total difference between the ASRS Actuarial Present Value and the Other Retirement Plan’s Cost pursuant to R2-8-1102(E), the member shall elect the method of payment by the payment due date specified on the transfer in invoice.
- J.** A member may elect to pay the total difference between the ASRS Actuarial Present Value and the Other Retirement Plan’s Cost pursuant to R2-8-1102(E) by any one or more methods specified in R2-8-512, R2-8-513, R2-8-514, or R2-8-519.
- K.** For a member who elects to accept a proportionately reduced amount of service pursuant to subsection (E)(1)(b), the ASRS shall calculate the proportionately reduced amount of service credit based on the member’s service credits in the Other Retirement Plan multiplied by the ratio of the Other Retirement Plan’s Cost to the ASRS Actuarial Present Value.
- L.** The member shall submit payment to transfer service credit pursuant to this section by the payment due date specified on the transfer in invoice.
- M.** If the member does not submit payment for the total difference in the calculations pursuant to R2-8-1102(E) by the payment due date specified on the transfer in invoice, the member may be eligible to purchase the remaining service credit as Other Public Service, and the member is not eligible to purchase the remaining service credit based on the cost specified in the transfer in invoice.

**R2-8-1103. Transferring Service to Other Retirement Plans**

- A.** Upon receipt of a request to transfer a member’s service credit from the ASRS to the Other Retirement Plan, the ASRS shall calculate:
  - 1. The ASRS Funded Actuarial Present Value pursuant to A.R.S. §§ 38-730 and 38-922; and





the general public restrict vehicle use as much as possible. For alerts regarding industrial pollutants, ADEQ will request that applicable sources under state jurisdiction reduce emissions. Delegated authorities will make a similar request for sources under their jurisdiction.

An air pollution Stage II *warning* will be declared in the event that air pollution warning levels occur and are expected to continue or recur within 24 hours. ADEQ will also declare a warning stage if air pollution alert levels persist for 48 hours with no improvement in air quality. For automotive related pollutants, ADEQ will request that schools, industry, businesses, and government facilities restrict motor vehicle traffic as much as possible. For other pollutants, ADEQ will request that applicable sources further reduce emissions of the pollutant that is subject to the warning. Delegated authorities will make a similar request for sources under their jurisdiction.

For Stage III, if exceedances at the emergency air pollution level occur and are expected to continue or recur within 24 hours, or if warning levels persist for 48 hours and conditions are not expected to improve, an air pollution *emergency* will be declared. At the emergency air pollution level, ADEQ will notify the Governor's Office. The Governor may request that all industrial, construction, commercial, governmental, and institutional facilities be closed. The use of motor vehicles may be prohibited except for emergency situations that have been approved by law enforcement.

This rule incorporates by reference the August 2018 Final Procedures Manual titled "Procedures for Prevention of Emergency Episodes", which is on file at ADEQ. The procedures manual is being revised as part of this rulemaking; however, the manual is not included in the rule language. The procedures manual contains the processes that ADEQ must follow in the event of an air pollution emergency episode. These processes outline the preparations and response techniques for public notification and informing emission sources of relevant information regarding the pollutant of a given air pollution emergency episode. These preplanned strategies are designed to minimize the cost and effort required of regulated entities, while simultaneously curtailing emissions. Successful implementation of the strategies according to the episode stages outlined in the rule expedite emission curtailment and prevent pollution concentrations from reaching levels that may cause significant harm to public health.

### **Background.**

Particulate matter (PM), or particle pollution, is a complex mixture of small solid particles and liquid droplets found in the air. Primary particles are directly emitted by sources such as smokestacks, fires, unpaved roads, or construction sites. Other particles, known as secondary particles, are formed when gaseous pollutants from industrial and mobile sources undergo complex chemical reactions in the atmosphere. For example, emissions of the precursor compounds sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), or ammonia (NH<sub>3</sub>) can react to form particulate sulfates, nitrates, and ammonium (ammonium sulfate and nitrate) and volatile organic compound (VOC) precursors can become particulate organic carbon. Particulate matter is grouped into two categories based on their size. The larger particles or coarse particulate matter are called PM<sub>10</sub> and generally have a diameter of 10 micrometers (µm) or less. The smaller particles or fine particulate matter have a diameter of 2.5 micrometers (µm) or less.

Fine particulate matter (PM<sub>2.5</sub>) is able to travel deep into the respiratory tract, reaching the lungs. Exposure to PM<sub>2.5</sub> can cause short-term health effects such as eye, nose, throat and lung irritation, coughing, sneezing, runny nose and shortness of breath. Exposure can also affect lung function and worsen medical conditions such as asthma and heart disease. Scientific studies have linked increases in daily PM<sub>2.5</sub> exposure with increased respiratory and cardiovascular hospital admissions, emergency department visits and deaths. Studies suggest that long-term exposure to fine particulate matter may be associated with increased rates of chronic bronchitis, reduced lung function and increased mortality from lung cancer and heart disease. People with breathing and heart problems, children and the elderly may be particularly sensitive to PM<sub>2.5</sub>. To protect human health, EPA sets National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, including PM.

In July 1997 EPA promulgated revisions to the PM NAAQS by adding a new standard for PM<sub>2.5</sub>. Due to the potential health effects associated with long- and short-term exposure to PM<sub>2.5</sub>, EPA set an annual and a 24-hour PM<sub>2.5</sub> standard. The 1997 primary annual PM<sub>2.5</sub> standard was set as the annual arithmetic mean, averaged over 3 years, at 15 micrograms per cubic meter (µg/m<sup>3</sup>). The primary 24-hour standard was set at 65 µg/m<sup>3</sup>, the annual 98<sup>th</sup> percentile of daily (24-hour) values, averaged over three years (62 FR 38652, July 18, 1997).

In 2006 EPA revised the PM<sub>2.5</sub> NAAQS and lowered the 24-hour average standard from 65 to 35 µg/m<sup>3</sup> and retained the level of the annual primary standard (71 FR 61144, October 17, 2006).

On January 15, 2013 EPA again revised the NAAQS for PM<sub>2.5</sub>, this time lowering the annual standard to 12.0 µg/m<sup>3</sup> in order to provide increased protection against health effects associated with long- and short-term exposures (78 FR 3086, January 15, 2013). EPA retained the 24-hour PM<sub>2.5</sub> standard at a level of 35 µg/m<sup>3</sup>.

Within three years following the promulgation of new or revised NAAQS, Clean Air Act (CAA) Section 110(a)(1) requires states to submit State Implementation Plans (SIPs) that provide for implementation, maintenance, and enforcement of the standards. These SIPs, also called infrastructure SIPs (I-SIP), must address certain basic elements of its air quality management programs under CAA Section 110(a)(2). These elements, detailed in CAA Sections 110(a)(2)(A) through (M), include provisions for monitoring, emissions inventories, and modeling designed to ensure attainment and maintenance of the NAAQS.

On December 11, 2015 ADEQ submitted the 2012 PM<sub>2.5</sub> NAAQS I-SIP to EPA to satisfy requirements for CAA Sections 110(a)(1) and 110(a)(2). The SIP fulfills most of the requirements; however, EPA indicated that CAA Section 110(a)(2)(G) was not approvable. CAA Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs, which are contained in A.A.C. R18-2-220.



Currently, A.A.C. R18-2-220 does not contain the averaging time and emergency episode concentrations for PM<sub>2.5</sub>. If ADEQ does not revise A.A.C. R18-2-220 to include PM<sub>2.5</sub>, EPA will take formal action to disapprove those portions of the I-SIP, which can lead to the promulgation of a federal implementation plan (FIP) by the EPA under CAA Section 110(c)(1). A FIP contains requirements that are dictated and enforced by EPA, which can include prohibition of highway funds and emission offset requirements for certain emission sources.

**Section by Section Explanation of Proposed Rules:**

This proposed rulemaking will amend A.A.C. R18-2-220, Air Pollution Emergency Episodes, to update the State rule to include the air pollution emergency episode levels for PM<sub>2.5</sub>. This rulemaking will bring Arizona's standards into conformity with federal rules and is required under Section 110(a)(2) of the Clean Air Act (CAA).

R18-2-220(A) This section provides the requirement for procedures to be implemented by the ADEQ Director that will prevent the occurrence of levels of pollution that would cause significant harm to the public. It provides the incorporation by reference to ADEQ's "Procedures for Prevention of Emergency Episodes." The change revises the date of the Procedures Manual to incorporate by reference the revised manual.

R18-2-220(B)(4) This subsection provides the summary of the emergency episode and significant harm levels (in tabular format) for the pollutants subject to this rule. The changes add PM<sub>2.5</sub> to the table, which includes the averaging time as well as the concentrations for the alert, warning, emergency, and significant harm levels.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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

**7. 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

**8. The preliminary 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 (ESBCIS) under A.R.S. § 41-1055.

**An identification of the rule making.**

The rulemaking addressed by this ESBCIS amends A.A.C. R18-2-220, Air Pollution Emergency Episodes. This rulemaking will adopt language identifying the pollutant, averaging time, as well as the emergency episode and significant harm levels for fine particulate matter, as revised and adopted by EPA.

**An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rule making.**

The persons who will be directly affected by and bear the costs of this rulemaking are the governmental agencies responsible for the declaration and public and industry notification of air pollution episodes. Companies and/or activities that emit pollutants subject to A.A.C. R18-2-220 would also be affected by this rulemaking. These include (but may not be limited to): burn permits, power plants, smelters, manufacturing facilities, building construction, and highway construction.

The persons who will benefit from this rulemaking are the residents of Arizona as a result of the notifications that would occur in the event of an air quality emergency episode and receive critical information regarding actions to take in order to limit their exposure to air pollution.

**A cost benefit analysis of the following:**

**(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rule making.**

ADEQ estimates that the current number of full-time employees assigned in the Air Quality Division at ADEQ are adequate to implement and enforce the notifications, air quality monitoring, and forecasting for air pollution emergency episodes. The cost of the rule to the implementing agency will therefore be minimal.

ADEQ has jurisdiction for air quality planning, permitting, monitoring and forecasting in most areas of Arizona. Maricopa County will be revising its emergency episodes rule and will conduct rulemakings to incorporate the new standards for PM<sub>2.5</sub>. The costs and benefits will be similar for Maricopa County as for ADEQ.

Pima and Pinal Counties are delegated air quality planning authorities for areas within their jurisdictions. The West Central Pinal Moderate PM<sub>2.5</sub> Nonattainment Area was designated under the 2006 PM<sub>2.5</sub> NAAQS but was designated as unclassifiable/attainment for the 2012 PM<sub>2.5</sub> NAAQS along with the rest of the state.

Air quality monitoring in Pima and Pinal Counties shows that there have been no exceedances of the 2012 PM<sub>2.5</sub> NAAQS. At this time, EPA is not requiring Pima and Pinal Counties to revise their emergency episodes rules to comply with infrastructure requirements for the 2012 PM<sub>2.5</sub> NAAQS. However, EPA has recommended that the counties revise their emergency episodes rules to align with the 2012 PM<sub>2.5</sub> NAAQS.

**(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rule making.**

In the event of an air pollution emergency episode, ADEQ expects overall costs to vary by the air pollution episode stage due to the



level of preparation for each of the stage and the specific political subdivisions affected, which includes counties with air pollution control programs (as noted in previous section). Political subdivisions that may be affected include (but are not limited to) metro-politan planning organizations, irrigation districts, and school districts. Any costs borne by these entities would likely result from implementation of emission reduction strategies. It is unlikely that any of these entities are primary sources of any of the gaseous (i.e. sulfur dioxide, VOCs) precursors to PM<sub>2.5</sub> pollution. As a result they may implement minor yet effective strategies, such as reducing vehicular traffic from their operations or through alternative modes of travel for employees. As a result, the costs borne by these entities would be minimal.

This rulemaking will provide public health protection from temporary high levels of PM<sub>2.5</sub> pollution. Additionally, this rulemaking prevents the State from being susceptible to a FIP enforced by EPA under the CAA.

**(c) The probable costs and benefits to businesses directly affected by the rule making, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rule making.**

The rules being amended are necessary to comply with federal requirements under Section 110(a)(2) of the CAA. These revisions are necessary to avoid disapproval of the Infrastructure State Implementation Plan (I-SIP) for the 2012 PM<sub>2.5</sub> NAAQS. Disapproval of the I-SIP will result in the issuance of a FIP by the EPA under Section 110(c)(1) of the CAA, which can include prohibition of highway funds and emission offset requirements for certain emission sources.

Pollutants currently regulated by A.A.C. R18-2-220 include carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), coarse particulate matter (PM<sub>10</sub>), and sulfur dioxide (SO<sub>2</sub>). Businesses that emit these pollutants that are already subject to this rule may include (but are not limited to) coal- and oil-fired electric and steam power generating facilities, primary and secondary metals, petroleum refining, chemical processing, mineral processing, and glass processing. This rulemaking incorporates PM<sub>2.5</sub> to the air pollution emergency episodes rule; subsequently, businesses that emit PM<sub>2.5</sub> will be subject to the rule.

Potential costs will vary according to the level of the pollution episode and the pollutant. Any costs incurred by a business (such as reducing or prohibiting vehicular traffic, reducing production, or closing facilities) would be temporary and extend only through the duration of the episode.

**A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rule making.**

ADEQ anticipates that employment impacts will be minor. Because the low potential for an air pollution emergency to occur, ADEQ does not expect short- or long-term employment, production, or industrial growth in Arizona to be negatively impacted by this rulemaking. No sources are expected to close from the implementation of this rulemaking. Any reductions in production would occur only during the term of the air pollution emergency episode.

**A statement of the probable impact of the rule making on small businesses.**

**(a) An identification of the small businesses subject to the rule making.**

Under A.R.S. § 41-1001(21): “Small business” means a concern, including its affiliates, which is [1] independently owned and operated, which is [2] not dominant in its field and which [3] 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.

Only businesses emitting pollutants subject to this rule would be directly affected by the declaration of an air pollution emergency episode. It is unlikely that small businesses would emit enough pollutants to contribute to a PM<sub>2.5</sub> emergency episode and therefore will likely not be requested to limit or cease production.

**(b) The administrative and other costs required for compliance with the rule making.**

Not applicable.

**(c) A description of the methods that the agency may use to reduce the impact on small businesses.**

**(i) Establishing less costly compliance requirements in the rule making for small businesses.**

Not applicable.

**(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rule making.**

Not applicable.

**(iii) Exempting small businesses from any or all requirements of the rule making.**

Not applicable.

**(d) The probable cost and benefit to private persons and consumers who are directly affected by the rule making.**

Any costs that would be borne by private persons and consumers (i.e. the general public) would be potentially the result of an employer limiting production to reduce emissions or shutting down during the term of the air pollution emergency episode. Because of the extreme unlikelihood of the declaration of an air pollution episode, it is unlikely that the general public will be affected.

The general public will benefit from this rulemaking through the avoidance of or reductions in air pollution resulting from a declared air pollution emergency episode. Air quality regulations that lower concentrations of pollutants have the potential to reduce adverse health effects ranging from missed school and work days to premature mortality. Persons with compromised health (physiological, morphological, and biochemical) are more susceptible to the harmful effects of air pollutants. In the event that an



air pollution episode is declared, the public will be notified and will be informed of the episode level and information will be provided actions to take that will minimize exposure to the pollutant that is subject to the episode.

**A statement of the probable effect on state revenues.**

Due to the low probability for an air pollution emergency episode to be declared, ADEQ does not expect any effects on state revenues.

**A description of any less intrusive or less costly alternative methods of achieving the purpose of the rule making.**

ADEQ was not able to identify any less intrusive or costly alternative methods for achieving the purpose of the rulemaking, which is compliance with the federal requirements for Sections 110(a)(1) and (2) of the CAA and federal Guidance for SIP Elements under the aforementioned CAA Sections. As a result, the amendments to A.A.C. R18-2-220 are required as a part of Arizona's PM<sub>2.5</sub> Infrastructure State Implementation Plan.

**A 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. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable. For the purposes of this paragraph, "acceptable data" means empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.**

Not applicable.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Lisa Tomczak  
Address: ADEQ, Air Quality Planning Section  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4450 (Any extension may be reached in-state by dialing 1-800-234-5677, and entering the seven-digit number.)  
Fax: (602) 771-2299  
E-mail: tomczak.lisa@azdeq.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date/time: November 1, 2018 at 2:00 p.m.  
Address: Conference Room 3100B  
Department of Environmental Quality  
1110 W. Washington St.  
Phoenix, AZ 85007

Close of Comment: November 1, 2018

**11. 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 matters prescribed by Arizona statute applicable specifically to ADEQ or this specific rulemaking.

**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 rule does not inherently require a permit. Any facility subject to a permit is already covered under Title V of the Clean Air Act and ADEQ's permitting program.

**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:**

This rule allows Arizona to comply with CAA Sections 110(a)(1) and (2). The rule incorporates federal regulations but is not more stringent than federal law. The revisions are necessary in order for Arizona to avoid disapproval of the 2012 PM<sub>2.5</sub> I-SIP and imposition of a FIP.

**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 person submitted an analysis to ADEQ.

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

Not applicable

**13. The full text of the rules follows:**



TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 2. DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS

Section

R18-2-220. Air pollution Pollution emergency Emergency episodes Episodes

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS; AREA DESIGNATIONS; CLASSIFICATIONS

R18-2-220. Air pollution Pollution emergency Emergency episodes Episodes

A. Procedures shall be implemented by the Director in order to prevent the occurrence of ambient air pollutant concentrations which would cause significant harm to the health of persons, as specified in subsection (B)(4). The procedures and actions required for each stage are described in the Department's "Procedures for Prevention of Emergency Episodes," amended as of October 18, 1988 August 2018 (and no future edition), which is incorporated herein by reference and on file with the Office of the Secretary of State Department.

B. No change

- 1. No change
2. No change
3. No change
4. Summary of emergency episode and significant harm levels:

Table with 6 columns: Pollutant, Averaging Time, Alert, Warning, Emergency, Significant Harm. Rows include Carbon monoxide, Nitrogen dioxide, Ozone, PM2.5, PM10, and Sulfur dioxide.





1600 W. Monroe St., Mail Code 1300  
Phoenix, AZ 85007

Telephone: (602) 716-6813  
Fax: (602) 716-7996  
E-mail: lquerard@azdor.gov  
Web site: http://www.azdor.gov

**10. The time, place and nature of the proceedings for the making, amendment or repeal of the rules and how persons may provide written comment to the agency on the proposed expedited rules under A.R.S. § 41-1027(E):**

Persons may submit questions or comments in writing to the contact person listed in section 3 of this Notice of Proposed Expedited Rulemaking within 30 days after publication hereof.

**11. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additional matters shall include but are not limited to:**

**a. Whether the rule requires a permit, license, or agency authorization under A.R.S. § 41-1037(A), and 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 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.

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

Not applicable

**13. The full text of the rules follows:**

**TITLE 15. REVENUE**

**CHAPTER 15. DEPARTMENT OF REVENUE  
TRANSACTION PRIVILEGE AND USE TAX SECTION**

**ARTICLE 18.1. SALES OF FOOD**

Section

R15-5-1860. Definitions

**ARTICLE 18.1. SALES OF FOOD**

**R15-5-1860. Definitions**

For the purpose of these rules, unless the context requires otherwise, the following definitions will apply:

1. "Accessory food items" means coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments and spices, and other non-staple foods.
2. "Attendant" means a person, generally the employee of the retailer, who waits on the customers, or tends to their needs.
3. "Automatic retailer" means a coin operated mechanical device or system which sells tangible personal property. Such device or system must itself vend or sell the items, i.e., a device or system which delivers the subject of the sale, or by automatic action physically delivers the thing sold. Vending machines are considered automatic retailers.
4. "Caterer" means a person engaged in the business of serving meals, food and drinks on the premises used by his customer, but does not include employees hired by the hour of day.
5. "Delicatessen" means a business which sells specialty food items, such as prepared cold meats, perishable food and grocery items kept under refrigeration.
6. "Facilities for the consumption of food" means appropriate furniture, tableware, or parking areas for sitting both in or on the premises of the business, either in or out of a motor vehicle.
7. "Food"
  - a. Under A.R.S. § 42-1387, the Department is required to promulgate rules defining food as those items that may be purchased from an eligible grocery business with food coupons, but in no event may such definition of food include food for consumption on the premises, alcoholic beverages or tobacco. Even though alcoholic beverages and food for consumption on the premises may be intended for human consumption, such items are not considered food by the statutory provisions. In these rules, items that are considered food by the Statutes, and therefore tax exempt if sold by a qualified retailer, shall be referred to as "tax exempt foods." Other items that may be intended for human consumption but are excluded from the definition of food by the Statute, and are therefore subject to the Sales Tax, shall be referred to herein as "taxable foods."
  - b. "Food" means: Items intended for human consumption. Food is deemed to be intended for human consumption when its intended or ordinary use is as a food for human consumption or is an ingredient used in preparing food for human consumption. For example, even though animal food may be used by some humans, its ordinary or intended use is not for human consumption. Also, even though vitamins and other medication may be ingested, its intended or ordinary use is as a health



- aid or therapeutic agent or a deficiency corrector and is not intended for use as food. Following is a numeration of items which the Department does not consider food for human consumption:
- i. Pet food and supplies
  - ii. Cosmetics and grooming items
  - iii. Tobacco products
  - iv. Soaps and paper products and household supplies
  - v. Dietary supplements such as vitamins or protein supplements
  - vi. Medicines
  - vii. Fertilizer
8. “Food for consumption on the premises”
- a. “Food for consumption on the premises” means the following:
    - i. Hot prepared food, including products, items or ingredients of food which are prepared and sold or are intended to be sold in a heated condition. This also includes a combination of hot and cold food items or ingredients if a single price is charged by the retailer.
    - ii. Hot or cold sandwiches including frozen sandwiches.
    - iii. Food served by an attendant to be eaten at tables, chairs, benches, booths, stools, counters and within parking areas (for in-car consumption).
    - iv. Food served with trays, glasses, dishes or other tableware. Food which is generally selected by the customer from available displays and then taken by the customer to a checkout stand for payment is not considered to be served by the retailer.
    - v. Beverages sold in cups, glasses or open containers. Beverages shall include items such as milk shakes and ice cream floats.
    - vi. Food sold by caterers.
    - vii. Food sold within the premises of theaters, exhibitions, fairs, amusement parks, bowling alleys, athletic events, and other shows or contests and any businesses which charge admission, entrance or cover fees for exhibition, amusement, entertainment or instruction. While food for consumption on the premises includes any food sold within the premises of certain businesses, including businesses that charge admission, entrance or cover fees for exhibition, amusement, entertainment or instruction, food for consumption on premises does not include sales of tax exempt food by a qualified retailer within the premises of a full time educational institution that charges tuition for a full course of studies.
  - b. Any item enumerated in subparagraph (a) which is sold on a take-out or to-go basis is still considered to be food for consumption on the premises and therefore taxable.
9. “Food intended for home consumption” means food, other than food for consumption on the premises, which is usually intended to be consumed at home. Unless the taxpayer can establish to the contrary, food delivered by a retailer to an office or other business establishment shall not be considered food intended for home consumption.
10. “Home” means a natural person’s usual or habitual dwelling place, including rest homes, nursing homes, jails and other such institutions.
11. “Premises” means the total space and facilities, including buildings, grounds and parking lot that are made available for use by the retailer for the purpose of consuming food sold by such retailer.
12. “Qualified retailer”
- a. A qualified retailer or qualified retail business is one that may be eligible to sell tax exempt food without including the sale of tax exempt food items in its taxable base. A retailer other than a qualified retailer must pay a tax measured by the sale of otherwise exempt food even though the sale of such items would be exempt if sold by a qualified retailer.
  - b. Qualified retailers are:
    - i. An eligible grocery business, which includes retailers who are eligible to participate in the United States Department of Agriculture Food Stamp Program, whether such retailer actually participates in the food stamp program. If a retailer is eligible to participate in the food stamp program, but does not participate in such program, such retailer may only be an eligible grocery business if the retailer first makes application to the Department to sell food tax exempt. Examples of retailers that might be considered eligible grocery businesses include:
      - (1) Grocery stores;
      - (2) Convenience stores;
      - (3) Butcher shops;
      - (4) Bakeries;
      - (5) Dairy stores;
      - (6) Cheese stores;
      - (7) Farmer’s markets.
    - ii. Retailers whose primary business is not the sale of food, but who sell food in a manner similar to grocery stores. This category includes stores such as department stores, drug stores, and gas stations.



- iii. Retailers who sell food and who do not provide any facilities for consumption of food on the premises. This category may include certain health food stores, and certain outlets retailing soda and other similar beverages in bottles or cans, but not cups.
  - iv. Delicatessen business, if such retailer conducts his business so that the sale of tax exempt foods and other taxable items may be separately accounted for, through, for example, the use of two (2) cash registers, or a cash register with at least two (2) tax computing keys which are used to record taxable and tax exempt sales.
  - v. A retailer who is a street or sidewalk vendor who uses a pushcart, ~~mobile facility, motor vehicle, or other such conveyance. Such retailers include:~~
    - (1) ~~Snackmobile;~~
    - (2) ~~Chuck wagon;~~
    - (3) ~~Mobile hot dog stands.~~
  - vi. Vending machines and other automatic retailers.
13. "Staple food" means those food items intended for home preparation and consumption, which includes meat, poultry, fish, bread and bread stuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products.
14. "Taxable foods" are items which may be intended for human consumption, but are still subject to the Sales Tax when sold. Examples of taxable foods would be alcoholic beverages, and food for consumption on the premises.
15. Tax-exempt foods
- a. "Tax exempt foods" are generally those items of food intended for home consumption which, if purchased from an eligible grocery business, would be eligible as of January 1, 1979, to be purchased with food coupons issued by the United States Department of Agriculture.
  - b. Tax-exempt food shall also include any new items of food intended for human consumption which would have been eligible for purchase with food coupons issued by the United States Department of Agriculture if such items would have existed for sale on January 1, 1979.
  - c. The following are examples of items which the Department will consider as tax exempt food:
    - bread and flour products
    - vegetables and vegetable products
    - candy and confectionery
    - sugar, sugar products and substitutes
    - cereal and cereal products
    - butter, oleomargarine, shortening and cooking oils
    - cocoa and cocoa products
    - coffee and coffee substitutes
    - milk and milk products
    - eggs and egg products
    - tea
    - meat and meat products
    - spices, condiments, extracts and food colorings
    - fish and fish products
    - frozen foods
    - soft drinks and soda (including bottles on which a deposit is required to be paid)
    - fruit and fruit products
    - packaged ice cream products
    - dietary substitutes
    - ice cubes and bottled water including carbonated and mineral water
    - purchases of seed and plants for use in gardens to produce food items for personal consumption
16. "Two tax computing keys" shall mean the mechanical or electronic function in a cash register which can separately record and accumulate taxable and nontaxable items without having the items presorted.



**NOTICE OF PROPOSED EXPEDITED RULEMAKING**  
**TITLE 17. TRANSPORTATION**  
**CHAPTER 8. DEPARTMENT OF TRANSPORTATION**  
**FUEL TAXES**

[R18-189]

**PREAMBLE**

1. **Article, Part, or Section Affected (as applicable)**      **Rulemaking Action**

R17-8-601	Amend
R17-8-602	Amend
R17-8-603	Amend
R17-8-604	Amend
R17-8-605	Amend
R17-8-606	Amend
R17-8-607	Amend
R17-8-608	Amend
R17-8-609	Amend
R17-8-610	Amend
R17-8-611	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
 Authorizing statutes: A.R.S. § 28-366  
 Implementing statutes: A.R.S. §§ 28-373, 28-401, 28-5602, 28-5605, 28-5606, 28-5610, 28-5611, 28-5612, 28-5613, 28-5614, 28-5615, 28-5616, 28-5617, 28-5618, 28-5619, 28-5620, 28-5621, 28-5622, 28-5623, 28-5625, 28-5626, 28-5924, and 28-5925
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rules:**  
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2636, September 21, 2018 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**  
 Name: Candace Olson, Rules Analyst  
 Address: Government Relations and Policy Development Office  
 Department of Transportation  
 206 S. 17th Ave., Mail Drop 140A  
 Phoenix, AZ 85007  
 Telephone: (602) 712-4534  
 E-mail: COlson2@azdot.gov  
 Web site: <http://www.azdot.gov/about/GovernmentRelations>
5. **An agency's explanation why the proposed expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):**  
 Pursuant to A.R.S. § 41-1027(A)(7), the Department is engaged in this expedited rulemaking to incorporate the changes proposed in the Department's recent five-year review report on 17 A.A.C. Chapter 8, Article 6, Motor Fuel Refunds, approved by the Governor's Regulatory Review Council on April 3, 2018. The Department determined that these rules should be updated and improved to better detail how one can apply for an applicable motor fuel or use fuel tax refund from the Department. These changes include: eliminating outdated, inconsistent, and incorrect text; amending and adding language to clarify information for better understandability and accuracy; allowing applicants to submit one request for multiple whole month periods versus one application per month; allowing applicants to submit documentation electronically; and expanding the types of use fuel vendors by providing the refund requirements for mobile fueling vendors. In addition, the wording of R17-8-603(B) is confusing and can be read as allowing for unlicensed entities to apply for a refund which is inconsistent with A.R.S. § 28-5626, which requires use fuel sellers to be licensed as a vendor, and thus the Department does not enforce this subsection as written so it will be removed.  
 Additional changes include making minor technical changes to ensure conformity to the rulemaking format and style requirements of the Arizona Administrative Procedure Act and the Office of the Secretary of State.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**  
 The Department did not review or rely on any study relevant to the rules.
7. **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
8. **The preliminary summary of the economic, small business, and consumer impact:**  
 The Department is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).



**9. The agency's contact person who can answer questions about the preliminary summary of the economic, small business and consumer impact of the proposed expedited rule:**

Name: Candace Olson, Rules Analyst  
Address: Government Relations and Policy Development Office  
Department of Transportation  
206 S. 17th Ave., Mail Drop 140A  
Phoenix, AZ 85007  
Telephone: (602) 712-4534  
E-mail: COlson2@azdot.gov  
Web site: http://www.azdot.gov/about/GovernmentRelations

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(E):**

Written comments on the proposed rulemaking should be directed to the person listed in item 4. All comments must be received by the close of public record at 5:00 p.m. on October 4, 2018. The Department has scheduled the following oral proceeding for public comments:

Date: October 4, 2018  
Time: 1:30 p.m.  
Location: Department of Transportation  
206 S. 17th Ave., Rm. 107  
Phoenix, AZ 85007  
Nature: Oral Proceeding/Public Hearing

Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), the Department does not discriminate on the basis of race, color, national origin, age, gender, disability, or limited English proficient. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or civilrightsoffice@azdot.gov. Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requirieren asistencia o una adaptación razonable por habilidad limitada en inglés o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT al (602) 712-8946 or civilrightsoffice@azdot.gov. Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la oportunidad de abordar el alojamiento.

**11. 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 applicable to the Department or to any specific rule or class of rules.

**a. Whether the rules require a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:**

While these rules detail the requirements for the issuance of a type of fuel tax refund and do not directly require the issuance of a permit or license, per statutory requirements some of the refunds require eligible claimants to be licensed; this includes: a supplier, an interstate user, a restricted distributor, and a use fuel vendor. The license for these entities would be considered a general permit since for each license type the facilities, activities, or practices in the class are substantially similar in nature.

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

There are federal fuel taxes, but these rules are for the requirements to make a claim for a refund of the state fuel taxes and are separate from the federal fuel taxes and the federal fuel tax laws.

**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 to the Department.

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

This rulemaking incorporates no materials by reference.

**13. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION  
CHAPTER 8. DEPARTMENT OF TRANSPORTATION  
FUEL TAXES**

**ARTICLE 6. MOTOR FUEL REFUNDS**

- Section
- R17-8-601. Definitions and General Provisions
- R17-8-602. Exports
- R17-8-603. Use Fuel Vendors
- R17-8-604. Off-Highway



R17-8-605.	Idle Time
R17-8-606.	Tribal Government
R17-8-607.	Tribal Member
R17-8-608.	Transport of Forest Products; Healthy Forest Initiative
R17-8-609.	Motor Vehicle Fuel Used in Aircraft
R17-8-610.	Motor Fuel Losses Caused by Fire, Theft, Accident, or Contamination
R17-8-611.	Bulk Purchase of <del>Motor</del> <u>Use</u> Fuel

## ARTICLE 6. MOTOR FUEL REFUNDS

### R17-8-601. Definitions and General Provisions

#### A. Definitions. The following definitions apply to this Article unless otherwise specified:

“Application” means a request for refund of motor fuel taxes, made on a form provided by the ~~Division~~ Department.

~~“Authorized representative” means a person who has authority to file an application on behalf of the Claimant, as authorized by a notarized power of attorney.~~

~~“Card lock Cardlock use fuel facility” has the same meaning as a vendor as prescribed under A.R.S. § 28-5601(40) 28-5601, and satisfies requirements under A.R.S. § 28-5605.~~

~~“Claimant” means the taxpayer or an authorized representative a person who has authority to file an application on behalf of the taxpayer, as authorized by a notarized power of attorney, also referred to as applicant.~~

“Complete application” means an application that includes all supporting documentation and schedules for the period of the refund claim, Claimant claimant signature, and provides all information required on the application.

“Contaminated Fuel” means motor fuel, as prescribed under A.R.S. § ~~28-5601(18) 28-5601~~, which is accidentally tainted, and which is unsalable for highway use.

“Daily log” means notations made by a driver of a commercial motor vehicle which records a daily record of duty status as specified under 49 CFR 395.8.

“Declaration of Status” means a statement on a form provided by the ~~Division~~ Department that a light class or exempt use class vehicle qualifies for use fuel tax differential under A.R.S. § 28-5606(B)(2).

~~“Daily log” means notations made by a driver of a commercial motor vehicle which records a daily record of duty status as specified under 49 CFR 395.5.~~

“Destination state” means a state in the United States, other than the state of Arizona.

“Diversion” means delivery of motor fuel to a destination state other than the intended destination as signified on a carrier bill of lading.

“Exempt use class motor vehicle” means a vehicle exempt from gross weight fees under A.R.S. § 28-5432.

“GPS” means ~~a the~~ the Global Positioning System, a navigation system of satellites and receiving devices used to compute vehicle position and time information.

“Highway” has the same meaning as prescribed under A.R.S. § ~~28-5601(11) 28-5601~~, and also includes a:

- Port of entry,
- Weigh station, or
- Public rest area.

“Idle status” means a vehicle that is stationary, its engine continues to operate, and it is located in Arizona, but off-highway.

“Licensee” has the same meaning as prescribed under A.R.S. § 28-5613.

“Light class motor vehicle” has the same meaning as prescribed under A.R.S. § ~~28-5601(17) 28-5601~~.

~~“Licensee” has the same meaning as prescribed under A.R.S. § 28-5613.~~

“Mexican Pedimento” means an authorizing permit document issued by ~~Mexico’s state owned, nationalized petroleum company~~ Mexico.

“Motor fuel” has the same meaning as prescribed under A.R.S. § ~~28-5601(18) 28-5601~~.

“Motor fuel tax” means any tax on motor fuel imposed under A.R.S. Title 28, Chapter 16, Article 1.

“Notification date” means the date on a notice sent by the ~~Division~~ Department.

“Off-highway” means any location that is not on a highway in this state.

“Person” has the same meaning as prescribed under A.R.S. § ~~28-5601(21) 28-5601~~.

~~“Power take-off Power take-off” means the operation of vehicle-mounted, auxiliary equipment that is powered by energy supplied by the same engine that propels the motor vehicle, but does not include equipment related to the operation of a vehicle and powered by the vehicle’s engine, including air conditioning, alternator, automatic transmission, and power steering.~~

“Tribal agreement” means an agreement between the ~~Division~~ Department and a Native American tribe for the administration of motor fuel taxes.

“Trip” means travel within or through Arizona’s state borders with a designated beginning and ending location.

“Use class motor vehicle” has the same meaning as prescribed under A.R.S. § ~~28-5601(37) 28-5601~~.

“Use fuel” has the same meaning as prescribed under A.R.S. § ~~28-5601(38) 28-5601~~.



“Use fuel tax differential” means the difference between the use fuel tax rate applicable to light class motor vehicles or exempt use class motor vehicles, and the use fuel tax rate applicable to use class motor vehicles.

“Vendor” has the same meaning as prescribed under A.R.S. § ~~28-5601(40)~~ 28-5601.

“VIN” means Vehicle Identification Number.

B. General Provisions.

- 1. Scope. For purposes of administering A.R.S. § 28-5612 this Article applies to a person or licensee under A.R.S. §§ 28-5612 and 28-5613.
2. Application.
a. A complete application for refund of motor fuel tax shall be submitted to the ~~Division~~ Department.
i. A claimant may combine several months’ totals and submit to the Department one application for refund.
ii. A complete application shall be for the whole calendar month and not for a partial month.
iii. Supplemental applications for refunds covering the same period already paid are not permitted.
b. An application for refund for an amount of \$10 or less:
i. Shall shall be accepted only once within a consecutive six-month period, and
ii. If the aggregate monthly total of a request for refund is less than \$10 the applicant may combine several month’s totals on one request for refund.
c. A Claimant shall submit to the ~~Division~~ a separate application for refund for each calendar month.
d. When the ~~Division~~ Department determines that an application is incomplete under these rules and A.R.S. Title 28, Chapter 16, Article 1, the ~~Division~~ Department shall suspend processing of the application for refund and
i. Notify the ~~Claimant~~ claimant of the deficiencies, and
ii. Return the application to the ~~Claimant~~ claimant.
e. A ~~Claimant~~ claimant whose application is returned as incomplete under A.R.S. Title 28, Chapter 16, Article 1 and these rules shall have 60 days from the notification date to remedy the deficiencies.
f. If the ~~Claimant~~ claimant fails to remedy the deficiencies under subsection (B)(2)(d) (B)(2)(c) within 60 days of the notification date and return a complete application, the ~~Division~~ Department shall deny the application for refund.
g. If the ~~Division~~ Department denies an application because the ~~Claimant~~ claimant failed to remedy a deficiency, the deadline to submit a new application shall be governed by the time-frames established in subsection (B)(3).
3. Application filing. A complete application for refund shall be submitted to the ~~Division~~ Department as provided within the following table:

Table with 3 columns: Refund Type, Claimant Status (Licensee, Non-Licensee). Rows include: Sections, R17-8-602. Exports, R17-8-603. Use Fuel Vendor Vendors, R17-8-604. Off-Highway, R17-8-606. Indian Tribal Government, R17-8-607. Indian Tribal Member, R17-8-608. Transport of Forest Products; Healthy Forest Initiative, R17-8-609. Motor Vehicle Fuel Used in Aircraft, R17-8-610. Motor Vehicle Fuel Losses Caused by Fire, Theft, Accident, or Contamination, R17-8-611. Bulk Purchase of Motor Use Fuel.

- 4. Filing location and timely filing. A ~~Claimant~~ claimant shall submit an application under this Article to the ~~Division~~ Department as provided under A.R.S. § 1-218, and this subsection:
a. Hand delivered, ~~certified or registered mail~~ or other delivery service requiring a street address:
i. Arizona Department of Transportation, ~~Motor Vehicle Division~~ Financial Management Services Fuel, Licensing, & Tax Refund Compliance Unit 1801 W. Jefferson St., Rm. 201 Phoenix, AZ 85007;
ii. Hand delivered: the ~~Division~~ Department time and date stamp will be used to determine whether a complete application was received within the required time-frames established under subsection (B)(3).
iii. ~~Certified or registered mail~~ Other delivery service: the date of receipt by the designated delivery service shall be used to determine whether an application was received by the ~~Division~~ Department within the required time-frame established under subsection (B)(3).
b. United States Postal Service, including certified or registered mail:
i. Arizona Department of Transportation, ~~Motor Vehicle Division~~ Financial Management Services Fuel, Licensing, & Tax Refund Compliance Unit, Mail Drop 521M P.O. Box 2100, Mail Drop 521M Phoenix, AZ 85001.
ii. The Regular mail: the postmark date will be used to determine whether an application was received by the ~~Division~~ Department within the required time-frames established under subsection (3) (B)(3).
iii. Certified or registered mail: the date of receipt by the designated delivery service shall be used to determine whether an application was received by the Department within the required time-frame established under subsection (B)(3).
c. Other method as indicated on the Department’s website at www.azdot.gov.
5. Supporting documentation.



- a. The ~~Division Department~~ shall accept any of the following forms of documentation to support a claim for refund, which may be admissible to the same extent as an original:
    - i. Photocopies;
    - ii. Duplicates, ~~or~~ (reprints);
    - iii. Document image; ~~or~~
    - iv. Electronic copy, as indicated on the Department's website at www.azdot.gov.
  - b. The ~~Division Department~~ shall not return documentation submitted to support an application for refund once an application for refund has been accepted as complete.
  - c. If the ~~Division Department~~ determines that the supporting documentation required under these rules does not provide sufficient evidence of motor fuel tax paid, the ~~Division Department~~ may require the ~~Claimant claimant~~ to produce additional information.
  - d. Failure to produce additional documentation as requested by the ~~Division Department~~, within the time prescribed under ~~R17-8-601(B)(2)(e)~~ subsection (B)(2)(d), shall result in a denial of refund request being issued by the ~~Division Department~~.
6. Record retention and review.
    - a. A licensee shall maintain the records relied upon to support the application for refund as specified under A.R.S. Title 28, Chapter 16, Article 1 and these rules, and produce those records to the ~~Division Department~~ when requested.
    - b. Unless required by A.R.S. Title 28, Chapter 16 to maintain records relied upon to substantiate an application for refund for a shorter or longer period of time, a licensee shall retain the records required to support an application for refund for three years from the issuance date of refund by the ~~Division Department~~.
    - c. The ~~Division Department~~ reserves the right to review a ~~Claimant's claimant's~~ records used to substantiate an application for refund under these rules.
  7. If at any time, the ~~Division Department~~ discovers an overpayment of motor fuel tax refunded to a ~~Claimant claimant~~ under these rules, the ~~Division Department~~ shall recover payment under A.R.S. § 28-5612.
  8. Notification; violation; suspension; administrative hearing.
    - a. Denial of request for refund. If the ~~Division Department~~ denies an applicant's request for refund the ~~Division Department~~ shall send notification of denial to the ~~Claimant claimant~~.
    - b. Administrative Hearings. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 28-5924 and A.A.C Title 17, Chapter 1, Article 5.
    - c. Suspension due to violation of A.R.S. § 28-5612.
      - i. If the ~~Division Department~~ finds that a ~~Claimant claimant~~ is in violation of A.R.S. § 28-5612, the ~~Division Department~~ shall send notification to the ~~Claimant claimant~~ identifying the violation.
      - ii. A ~~Claimant claimant~~ determined by the ~~Division Department~~ to be in violation of state laws and regulations under A.R.S. § 28-5612 and these rules, may be suspended from filing motor tax fuel refunds for six consecutive months from the notification date of the ~~Division Department~~ for motor fuel tax paid during the suspension period.
      - iii. If a suspension is set aside under A.R.S. § 28-5612, a ~~Claimant claimant~~ may again apply to the ~~Division Department~~ for refund.
      - iv. The time-frame requirements under subsection (B)(3) shall not toll while pursuit of remedy by the ~~Claimant claimant~~ or the ~~Division Department~~ under this subsection.

#### **R17-8-602. Exports**

- A. To qualify under this Article for a refund of Arizona use fuel tax paid on motor fuel exported, a ~~Claimant claimant~~ shall provide the following documents to support a ~~request complete application~~ for refund:
  1. Export to another state within the United States:
    - a. Terminal, carrier, or bulk plant bill of lading or delivery ticket showing the point of origin and destination of the motor fuel;
    - b. Invoice or monthly supplier report schedule indicating that the Arizona tax was paid;
    - c. Motor fuel invoice or shipping document reflecting final destination and gallons exported;
    - d. Tax report establishing that the destination state's tax was reported;
    - e. Name and license number issued by the destination state of the licensee responsible for payment of motor fuel tax and tax reporting to the destination state; and
    - f. If the export of motor fuel is a diversion, the ~~Claimant claimant~~ shall provide the following documents to the ~~Division Department~~:
      - i. A carrier bill of lading; and
      - ii. Other documentation which supports the delivery of motor fuel to a specific location, other than its intended destination, ~~and~~.
  2. Exports to Mexico:
    - a. Documentation under subsection (A)(1),
    - ~~b. Documentation that Petróleos Mexicanos authorized the motor fuel import,~~
    - ~~e-b.~~ U.S. Department of Commerce export documentation, and
    - ~~d-c.~~ Copy of Mexican Pedimento indicating authorization for import and verification of the motor fuel import.
  3. Exports to Navajo Nation:
    - a. Documentation under subsection (A)(1),
    - b. Name and license number of the Navajo Nation distributor,
    - c. Copy of Navajo Nation manifest or copy of the Navajo Nation monthly motor fuel ~~distribution distributor~~ tax return, and
    - d. Invoice showing the Navajo Nation tax was included in total amount due.



B. The description of the motor fuel exported shall be identical on all documentation submitted in support of a request for refund of motor fuel tax paid on export.

**R17-8-603. Use Fuel Vendors**

A. To qualify for refund of the use fuel tax differential, a use fuel vendor shall submit to the ~~Division~~ Department:

1. A complete application as prescribed under R17-8-601;
2. Supplier or restricted distributor invoice, documenting the use fuel taxes that the vendor paid for the fuel; and
3. Supporting documentation:
  - a. For sales of use fuel dispensed from a pump which is labeled for use class ~~and into a light class vehicles or exempt use class vehicle~~, a fuel log of use fuel tax differential sales, submitted on a format approved by the ~~Division~~ Department that includes the following vendor information:
    - i. Vendor name;
    - ii. ~~Vendor address~~ Department-issued retail branch number;
    - iii. ~~Retail branch location~~ physical address;
    - iv. ~~Division-issued~~ Department-issued vendor license number;
    - v. Date of sale to consumer;
    - vi. License plate number and name of jurisdiction that issued the license plate of the motor vehicle into which the fuel was dispensed;
    - vii. Number of gallons of use fuel that were purchased and dispensed into the fuel tank of a qualifying vehicle ~~under subsection (D)(2)~~;
    - viii. Amount of fuel tax refunded to purchaser; and
    - ix. Purchaser's name and signature indicating receipt of the refund made by a vendor of use fuel, submitted on a vendor use fuel refund log, provided by the ~~Division~~ Department.
  - b. ~~For sales of use fuel dispensed from a pump that is labeled for light class or exempt use class only, items under subsection (A)(1) and (2) For use fuel vendors who have sales of use fuel dispensed from both a pump labeled for use class and from a pump labeled for light class or exempt use class, a report of the total pump sales for each type.~~

~~B.~~ The ~~Division~~ shall not accept an application for a period that a vendor of use fuel was not licensed under A.R.S. § 28-5605, except as provided under this subsection.

- ~~1.~~ An application for a period that a vendor was not licensed under A.R.S. § 28-5605 will be accepted by the Division if the Claimant submits an application to the Division for a vendor license at the time initial application for refund is submitted.
- ~~2.~~ The unlicensed use fuel vendor shall demonstrate compliance with A.R.S. § 28-5605(B), at the time of the applicable use fuel sale to the satisfaction of the Division by the following means:
  - a. Photographs;
  - b. Diagrams;
  - c. Statements, and
  - d. Any other documentation approved by the Division which demonstrates compliance.

~~C.B.~~ A licensed use fuel vendor shall maintain the following records under R17-8-601(B)(6):

1. Records of daily sales to light class or exempt use class motor vehicles which provides details for each use fuel sale to include the following:
  - a. Gallonage,
  - b. Transaction date,
  - c. Price per gallon, and
  - d. Product description;
2. ~~Acquisition~~ Purchase invoices of use fuel;
3. Inventory records of use fuel; and
4. Vendor use fuel refund log under subsection (A)(3)(a).

~~D.C.~~ ~~Cardlock~~ Cardlock use fuel facility.

1. Applicability. For purposes of receiving a refund from the ~~Division~~ Department for use fuel sold to a light class or exempt use class vehicle at a ~~cardlock~~ cardlock use fuel facility, the vendor shall:
  - a. Submit documentation ~~to the Division~~ under subsection (A)(3), except subsection (A)(3)(a)(ix) to the Department;
  - b. Have controlled access to the ~~cardlock~~ cardlock use fuel facility in compliance with A.R.S. § 28-5605;
  - c. Restrict use of a ~~cardlock~~ cardlock use fuel facility to those approved purchasers that have completed a Declaration of Status; and
  - d. Shall maintain records under subsection ~~(C)(B)~~.
2. Declaration of Status.
  - a. A vendor shall require that a purchaser of use fuel for use in light class or exempt use class vehicles complete and submit to the vendor a Declaration of Status for each vehicle that will have the ability to obtain fuel at a ~~cardlock~~ cardlock use fuel facility ~~labeled for light class or exempt use class vehicles~~.
  - b. A Declaration of Status must be completed for each additional vehicle prior to purchase of motor fuel at a ~~cardlock~~ cardlock use fuel facility.
  - c. A Declaration of Status shall be made on a form provided by the ~~Division~~ Department and may be obtained at www.azdot.gov.
  - d. The original signature of the purchaser shall be included on the Declaration of Status.
  - e. A vendor who operates a ~~cardlock~~ cardlock use fuel facility must retain all original Declarations of Status received from a purchaser in the vendor's files under R17-8-601(B)(6), and shall make the Declarations of Status available for review by the ~~Division~~ Department.



3. Labeling. A ~~card lock~~ cardlock vendor shall comply with state law by placing a label with verbiage and specifications as required under A.R.S. § 28-5605.
  - a. ~~Card lock~~ Cardlock use fuel facilities shall post a use fuel tax rate label provided by ~~Division~~ Department.
  - b. Vendors found in violation of labeling regulations shall be subject to penalties under A.R.S. § 28-5605.

**D. Mobile fueling vendor.**

1. Applicability. For purposes of receiving a refund from the Department for use fuel sold and delivered directly from a mobile vehicle into a light class or exempt use class vehicle fuel tank for other than the dispenser's own consumption, the vendor shall:
  - a. Submit documentation under subsection (A)(3), except subsection (A)(3)(a)(ix), to the Department; and
  - b. Shall maintain records under subsection (B).
2. Declaration of Status.
  - a. A vendor shall require that a purchaser of dispensed use fuel complete and submit to the vendor a Declaration of Status for each light class or exempt use class vehicle that will have the ability to obtain fuel with a mobile fueling vendor.
  - b. A Declaration of Status must be completed for each additional vehicle prior to delivery of motor fuel by a mobile fueling vendor.
  - c. A Declaration of Status shall be made on a form provided by the Department and may be obtained at www.azdot.gov.
  - d. The original signature of the purchaser shall be included on the Declaration of Status.
  - e. A vendor who operates a mobile fueling operation must retain all original Declarations of Status received from a purchaser in the vendor's files under R17-8-601(B)(6), and shall make the Declarations of Status available for review by the Department.
3. Labeling. A mobile fueling vendor shall comply with state law by placing a label with verbiage and specifications as required under A.R.S. § 28-5605.
  - a. Mobile fueling vendors shall post on their fueling dispenser a use fuel tax rate label provided by the Department.
  - b. Vendors found in violation of labeling regulations shall be subject to penalties under A.R.S. § 28-5605.

**R17-8-604. Off-Highway**

- A. The ~~Division~~ Department shall refund under this Article the Arizona motor fuel tax paid on the motor fuel consumed in Arizona while the vehicle is off-highway.
- B. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:
  1. System or manual motor fuel log summary by VIN which includes the following:
    - a. Items under subsection (C)(1)(a), and
    - b. Mileage consumed off-highway: when applicable;
  2. Equipment and vehicle listing which includes year, make, ~~model, gallon capacity,~~ equipment type, VIN or equipment serial number, and gross vehicle weight; and
  3. Proof of fuel purchase which may include:
    - a. Motor fuel invoices,
    - b. Motor fuel purchase receipts, and
    - c. Computerized fuel purchase statement, and
    - d. ~~International Fuel Tax Agreement reports.~~
- C. A ~~Claimant~~ claimant shall provide the following documentation to the ~~Division~~ Department for the identified refund types:
  1. Refrigeration unit:
    - a. Fuel log summary consisting of, at a minimum, the following information:
      - i. Fuel type,
      - ii. Date fuel dispensed,
      - iii. Number of gallons dispensed, and
      - iv. Identification number of equipment or vehicle into which the fuel was dispensed.
    - b. Equipment or vehicle ~~identification number~~ listing which includes year, make, equipment type, VIN or equipment serial number, and gross vehicle weight.
  2. Power take-off: A motor fuel consumption study under this Section shall be conducted at the ~~Claimant's~~ claimant's expense, and shall be approved by the ~~Division~~ Department prior to the initial application for refund, and shall include the following information:
    - a. A description of the methodology used to determine the percentage of exempt motor fuel consumed by the ~~power take-off~~ power take-off;
    - b. A list of all equipment using motor fuel;
    - c. All operations where motor fuel is consumed;
    - d. Testing and study components shall be a true representation of the operation of business as follows:
      - i. Vehicles shall be grouped into similar categories based on similar ~~power take-off~~ power take-off units and similar gross vehicle weight.
      - ii. Vehicles selected shall be representative of the category as to age, make, model, and engine size.
      - iii. Each vehicle category shall be tested individually to determine the amount of motor fuel consumed by the ~~power take-off~~ power take-off unit.
      - iv. If a vehicle category contains:
        - (1) Less than four vehicles, all vehicles must be included in the test study.
        - (2) Thirty or fewer vehicles, then at least three vehicles must be included in the test sample.
        - (3) More than 30 and fewer than 151 vehicles, then at least 10 percent of the vehicles must be included in the test sample.
        - (4) More than ~~454~~ 150 vehicles, then at least 15 vehicles must be included in the test sample.



- e. Explanation of the measuring method used to determine fuel consumption by vehicles, equipment, and machinery, which shall include manufacturer specifications;
  - f. Results of a period of a study which shall include a period covering cyclical or seasonal impacts which includes low and high points of fuel usage for exempt or non-exempt purposes;
  - g. Results from a test or study shall be a duration of at least two weeks; and
  - h. The approved ~~power take-off~~ power take-off percentage may then be used for three years or shall be updated as requested by the Division Department.
3. Idle time as prescribed under R17-8-605.

**R17-8-605. Idle Time**

- A. Under the provisions of this Article, the Division Department shall refund the Arizona motor fuel tax imposed on the motor fuel consumed by a Claimant's claimant's vehicle while in idle status.
- B. ~~In addition to the A complete~~ application for refund, as prescribed under R17-8-601, ~~a Claimant~~ shall ~~provide~~ include the following documentation ~~to the Division~~ to verify the quantity of motor fuel consumed by a vehicle while in idle status:
1. Documentation that proves the total quantity of motor fuel purchased by the ~~Claimant~~ claimant in Arizona during refund periods:
    - a. An invoice that contains the following information:
      - i. Date of purchase,
      - ii. Seller's name,
      - iii. Physical address where motor fuel was purchased,
      - iv. Number of gallons of motor fuel purchased,
      - v. Type of motor fuel purchased, and
      - vi. Price per gallon of motor fuel.
    - b. A fuel log shall be maintained that contains the following information:
      - i. The date that the motor fuel was placed in the fuel tank of a motor vehicle;
      - ii. ~~The vehicle make, model, year, and VIN number of the equipment or vehicle~~ in which the motor fuel was placed; and
      - iii. The number of gallons of motor fuel placed in ~~a~~ the fuel tank.
    - c. In lieu of subsections (B)(1)(a) and (b), a licensee may submit a summary of the fuel purchases made by the ~~Claimant~~ claimant for the vehicle during the refund period. The summary shall contain the same information required to be on a fuel invoice under subsection (B)(1)(a).
  2. Documentation that proves that the ~~Claimant's claimant's~~ vehicle was located in Arizona, off-highway, at the time it was in idle status, and the length of time the vehicle was in idle status, using one or more of the following methods:
    - a. Nonscheduled route:
      - i. A logbook, approved by the Division Department, maintained for each vehicle that identifies the date and time when the idle status started, the date and time when the idle status ended, and a physical description of the location of the vehicle during the idle status that establishes that the vehicle was in Arizona, but located off-highway.
      - ii. The driver shall make an affirmative statement in the driver's daily log that the engine was operating during the idle status and shall prepare the logbook entries simultaneously with the idle status.
      - iii. The ~~Claimant~~ claimant shall retain trip schedules or bills of lading to support the logbook entries.
    - b. Scheduled route:
      - i. Published schedule which includes arrival at and departure from fixed locations at prescribed times; or
      - ii. A record of average wait times recorded in a daily log consisting of arrival at and departure from fixed locations at prescribed times, approved by the ~~Division Department~~; and
      - iii. The ~~Claimant~~ claimant shall document that the engine remained running during the scheduled stops.
    - c. Global Positioning System:
      - i. A report from a GPS, approved pursuant to subsection (C).
      - ii. The ~~Claimant~~ claimant shall maintain trip schedules or bills of lading to support GPS reports.
  3. Documentation that proves the quantity of motor fuel consumed by the ~~Claimant's claimant's~~ vehicle while in idle status:
    - a. The ~~Claimant~~ claimant shall document the number of the gallons of motor fuel consumed per hour to maintain idle status by one or more of the following methods:
      - i. Engine manufacturer's standard specifications that establish the quantity of motor fuel consumed per hour while the vehicle is in idle status.
      - ii. Computerized system that computes the quantity of motor fuel consumed per hour while in idle status.
      - iii. A study or test that determines motor fuel consumption per hour while in idle status, prior to the period covered by the refund claim.
    - b. A study under this Section shall meet the following specifications:
      - i. The study shall be conducted at the ~~Claimant's claimant's~~ expense,
      - ii. The methodology shall be approved by the Division Department prior to conducting the study under subsection (C),
      - iii. The fuel consumption characteristics of the vehicles and their operation during the period of the refund shall not vary significantly from the conditions that existed during the study, and
      - iv. The results of the study shall be approved by the Division Department prior to the time period covered under the refund claim.
- C. The Division Department shall review and approve the method used and the data captured by a GPS or manual report prior to the initial claim for refund and the report shall include the following components:
1. A description of the methodology used to determine the percentage of exempt use fuel consumption;
  2. A list of all equipment consuming use fuel;
  3. A description of all of the vehicle operations where use fuel is consumed;
  4. Whether vehicles are traveling scheduled routes, and whether seasonal or cyclical events affect use fuel;



5. Testing and study components shall be a true representation of operation of business as follows:
    - a. Vehicles shall be grouped into similar categories based on similar units and similar gross vehicle weight.
    - b. Each vehicle category must be tested individually to determine the idle time fuel consumption.
    - c. Vehicles selected for testing shall be representative of the category as to age, make, model, and engine size.
  6. Study components under R17-8-604(C)(2)(d)(iv);
  7. Explanation of the measuring method used to determine fuel consumption by vehicles, equipment, and machinery, which shall include manufacturer specifications;
  8. Study results under this subsection shall include ~~a period~~ periods covering cyclical or seasonal impacts which ~~includes captures~~ low and high points of fuel usage for exempt or non-exempt purposes;
  9. Results from a test or study shall be of duration of at least two weeks; and
  10. The approved idle time study may then be used for three years or shall be updated as requested by the ~~Division~~ Department.
- D. A ~~Claimant~~ claimant shall submit technical documentation that details the operating system of any system or manual study used including, but not limited to, the following:
1. Identification of the computer system, including the name of the manufacturer, name of the software, and software version number;
  2. Identification of vehicle engines on which the software will be used by the ~~Claimant~~ claimant, including makes, models, years, and fuel types;
  3. Description of the methodology used by computer system to determine idle status;
  4. Description of the methodology used to determine fuel consumption while in idle status;
  5. Description of the methodology used to determine the location of the vehicle during idle status; and
  6. Operating policies and procedures for the systems that are used in the ~~Claimant's~~ claimant's business operations.
- E. The ~~Claimant~~ claimant shall provide additional supporting documentation if there is any update to the system study for which documentation was initially submitted and approved.
1. A ~~Claimant~~ claimant shall submit to the ~~Division~~ Department an updated study under this Section three years from the date of ~~Division~~ Department approval or at the ~~Division's~~ Department's request.
  2. A study under this Section shall be conducted at the ~~Claimant's~~ claimant's expense.
  3. The methodology used in support of a study under these rules shall be approved by the ~~Division~~ Department prior to conducting the study under subsection (C).
  4. If the ~~Division~~ Department rejects the results of a study, a ~~Claimant~~ claimant may request a hearing under A.R.S. § 28-5924.

#### R17-8-606. Tribal Government

- A. The ~~Division~~ Department shall refund the Arizona motor fuel tax imposed on the motor fuel consumed by a vehicle owned or leased to a tribal government under this Article.
- B. ~~An~~ A complete application for refund, ~~as prescribed under R17-8-601~~, shall include all of the following supporting documentation for each vehicle:
1. Detailed fuel receipt statement which includes the following purchase information:
    - a. Date of fuel purchase,
    - b. Gallonage,
    - c. Location,
    - d. Fuel type, and
    - e. ~~Purchaser's~~ Seller's name and address;
  2. Fuel purchase summary by vehicle which includes documentation under subsection (B)(1); ~~or~~
  3. Bulk motor fuel purchase invoice; which includes:
    - a. Gallonage,
    - b. Delivery location,
    - c. Fuel type, and
    - d. ~~Tax rate paid;~~ and
  4. If vehicle is leased, a copy of the lease agreement.
- C. A vehicle and equipment listing shall be maintained by the tribal government to include year, make, ~~model, gallon capacity, and~~ equipment type, VIN or equipment serial number, and gross vehicle weight.

#### R17-8-607. Tribal Member

- A. Enrolled members of a tribe may make application to the ~~Division~~ Department, ~~as prescribed under R17-8-601~~, for a refund of the Arizona motor fuel taxes on fuel purchased on the reservation of the tribe in which the member is enrolled, provided the motor fuel was not used off the reservation for a commercial purpose.
- B. ~~An~~ A complete application for refund, ~~as prescribed under R17-8-601~~, shall include the following supporting documentation:
1. Copy of the vehicle registration,
  2. Copy of the Tribal member identification card,
  3. Receipt of motor fuel purchased on the reservation, and
  4. Signed statement certifying motor fuel was used for non-commercial purposes under A.R.S. § 28-5610(A).

#### R17-8-608. Transport of Forest Products; Healthy Forest Initiative

- A. A claim for refund, pursuant to A.R.S. § 28-5614(B), of the tax on motor fuel used to transport forest products on Arizona highways shall comply with the requirements of R17-8-601.
- B. ~~An~~ A complete application for refund, ~~as prescribed under R17-8-601~~, shall include the following supporting documentation ~~obtained from the Arizona Department of Commerce:~~



1. ~~A completed Healthy Forest Enterprise Use Fuel Vehicle Schedule, An equipment and vehicle listing which includes year, make, equipment type, VIN or equipment serial number, and gross vehicle weight;~~
2. Certification ~~letter~~ issued by the Arizona ~~Department of Commerce Authority~~ pursuant to A.R.S. § 41-1516 for the same period of time as the refund claim~~;~~
3. Memorandum of Understanding between the Arizona ~~Department of Commerce Authority~~ and the ~~Claimant claimant~~ pursuant to A.R.S. § 41-1516~~;~~
4. Individual ~~Vehicle Project Mileage and Fuel Report Summaries Reports~~ for each ~~vehicle, and project;~~
5. ~~Purchase invoices of use fuel; and~~
- 5-6. Changes to the Arizona ~~Department of Commerce Authority~~ Certification ~~when applicable.~~

**R17-8-609. Motor Vehicle Fuel Used in Aircraft**

- A. A claim for the refund of the tax, pursuant to A.R.S. § 28-5611(A)(2) or non-agricultural purposes under A.R.S. § 28-5611(B), on motor vehicle fuel used to power aircraft shall comply with the requirements of R17-8-601 and subsections (B) and (C) of this Section.
- B. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:
  1. Motor fuel log summary by aircraft which includes:
    - a. Purchase date,
    - b. Name and location of vendor of fuel to show that Arizona motor fuel tax was included in the purchase price,
    - c. Gallons dispensed,
    - d. Fuel type, and
    - e. Manner consumed~~;~~
  2. List of aircraft to include, year, make model, and N-number assigned by the Federal Aviation Administration~~;~~ and
  3. Purchase invoice indicating items under subsection (B)(1) and amount of tax paid ~~amount.~~
- C. Motor vehicle fuel used to power aircraft for agricultural purposes shall, in addition to subsection (B), include a flight log detailing the purpose of use.

**R17-8-610. Motor Fuel Losses Caused by Fire, Theft, Accident, or Contamination**

- A. A ~~Claimant claimant~~ may apply to the ~~Division Department~~ for a refund of the tax on motor fuel lost due to fire, theft, accident, or contamination.
- B. A request for refund pursuant to A.R.S. §§ 28-5610 or 28-5611 of the tax on motor fuel that is lost due to fire, theft, accident, or contamination shall comply with the requirements of R17-8-601.
- C. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:
  1. Signed statements from persons with personal knowledge regarding the facts and circumstances of the loss, including:
    - a. Date of loss or contamination,
    - b. Location where the loss or contamination occurred,
    - c. Detailed explanation regarding the nature of the loss or contamination,
    - d. Name and contact information of persons who witnessed loss or contamination,
    - e. Quantity of fuel lost or contaminated, and
    - f. Disposition of the contaminated ~~motor~~ fuel.
  2. Copies of records that substantiate the date of acquisition and quantity acquired of the fuel lost as well as the fact the Arizona motor fuel tax was paid by the ~~Claimant claimant~~ when the fuel was acquired.

**R17-8-611. Bulk Purchase of ~~Motor Use~~ Fuel**

- A. A request for refund of taxes paid on the bulk purchase of ~~motor use~~ fuel dispensed into a light class, or exempt use class vehicle, shall be submitted to the ~~Division Department,~~ as prescribed under R17-8-601(B), on an application provided by the ~~Division Department.~~
- B. Bulk ~~motor use~~ fuel shall be purchased and consumed in Arizona to qualify for refund.
- C. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:
  1. Invoice that contains the following information:
    - a. Name and address of vendor,
    - b. Tax rate,
    - c. Product type,
    - d. Delivery date,
    - e. Quantity of fuel,
    - f. Invoiced amount, and
    - g. A statement from the seller of the ~~motor use~~ fuel that the ~~motor use~~ fuel is non-dyed use fuel.
  2. Fuel usage log which includes the following information:
    - a. Date fuel dispensed,
    - b. VIN of vehicle into which fuel was dispensed,
    - c. Gallons dispensed, and
    - d. Fuel type.
  3. Annual vehicle listing to include make, model, year, ~~and~~ VIN, and gross vehicle weight.



**NOTICES OF RULEMAKING DOCKET OPENING**

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING  
STATE RETIREMENT SYSTEM BOARD**

[R18-190]

1. **Title and its heading:** 2, Administration  
**Chapter and its heading:** 8, State Retirement System Board  
**Article and its heading:** 5, Purchasing Service Credit  
 7, Contributions Not Withheld  
 11, Transfer of Service Credit  
**Section number:** R2-8-501 through R2-8-521, R2-8-701 through R2-8-709, and R2-8-1101 through R2-8-1103 (*Sections may be added, deleted, or further modified as necessary.*)
2. **The subject matter of the proposed rule:**  
 The ASRS needs to amend approximately 30 rules in order to reflect its new electronic processes. The ASRS has recently developed an electronic system for processing service purchase contributions not withheld, and transfer requests. As such, the ASRS needs to update its rules to reflect and clarify its new electronic processes.
3. **A citation to all published notices relating to the proceeding:**  
 Notice of Proposed Rulemaking: 24 A.A.R. 2595, September 21, 2018 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
 Name: Jessica A.R. Thomas, Rules Writer  
 Address: Arizona State Retirement System  
 3300 N. Central Ave., Suite 1400  
 Phoenix, AZ 85012-0250  
 Telephone: (602) 240-2039  
 E-mail: [JessicaT@azasrs.gov](mailto:JessicaT@azasrs.gov)
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
 The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
 To be determined.

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF REVENUE  
TRANSACTION PRIVILEGE AND USE TAX SECTION**

[R18-191]

1. **Title and its heading:** 15, Revenue  
**Chapter and its heading:** 5, Department of Revenue – Transaction Privilege and Use Tax Section  
**Article and its heading:** 18.1, Sales of Food  
**Section number:** R15-5-1860
2. **The subject matter of the proposed rule:**  
 The Department is updating an outdated term in Section R15-5-1860, Definitions.
3. **A citation to all published notices relating to the proceeding:**  
 Notice of Proposed Expedited Rulemaking: 24 A.A.R. 2621, September 21, 2018 (*in this issue*)



**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Lisa Querard  
Address: Arizona Department of Revenue  
1600 W. Monroe St., Mail Code 1300  
Phoenix, AZ 85007  
Telephone: (602) 716-6813  
Fax: (602) 716-7996  
E-mail: lquerard@azdor.gov

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Refer to the Notice of Proposed Expedited Rulemaking in this issue.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

None

**NOTICE OF RULEMAKING DOCKET OPENING  
DEPARTMENT OF TRANSPORTATION – FUEL TAXES**

[R18-192]

**1. Title and its heading:**

17, Transportation

**Chapter and its heading:**

8, Department of Transportation – Fuel Taxes

**Article and its heading:**

6, Motor Fuel Refunds

**Section numbers:**

R17-8-601 through R17-8-611 (*Sections may be added, deleted, or modified as necessary.*)

**2. The subject matter of the proposed rules:**

The Department engages in this expedited rulemaking to incorporate the changes proposed in the Department’s recent five-year review report on 17 A.A.C. Chapter 8, Article 6, Motor Fuel Refunds, approved by the Governor’s Regulatory Review Council on April 3, 2018. The Department determined that these rules should be updated and improved to better detail how one can apply for an applicable motor fuel or use fuel tax refund from the Department. These changes include: eliminating outdated, inconsistent, and incorrect text; amending and adding language to clarify information; allowing applicants to submit one request for multiple whole month periods; allowing applicants to submit documentation electronically; and expanding the types of use fuel vendors by providing the refund requirements for mobile fueling vendors.

**3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Expedited Rulemaking: 24 A.A.R. 2625, September 21, 2018 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Candace Olson, Rules Analyst  
Address: Government Relations and Policy Development Office  
Department of Transportation  
206 S. 17th Ave., Mail Drop 140A  
Phoenix, AZ 85007  
Telephone: (602) 712-4534  
E-mail: COlson2@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/about/GovernmentRelations>

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments may be submitted at any time prior to the close of the public record listed in the Notice of Proposed Expedited Rulemaking. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included in the Notice of Proposed Expedited Rulemaking in this issue.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined



**NOTICE OF RULEMAKING DOCKET OPENING**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**AIR POLLUTION CONTROL**

[R18-193]

- 1. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 2, Department of Environmental Quality – Air Pollution Control  
**Article and its heading:** 2, Ambient Air Quality Standards; Area Designations; Classifications  
**Section numbers:** R18-2-220

**2. The subject matter of the proposed rule:**

The Arizona Department of Environmental Quality (ADEQ) is proposing to amend R18-2-220, Air Pollution Emergency Episodes. This rule provides a sequence of emission reduction priorities and criteria used to determine air pollution emergency episodes. The rule utilizes a tiered approach for emissions control and advisory procedures for three episode stages: alert, warning, and emergency.

The purpose of this rulemaking is to incorporate the current federal air quality standard for fine particulate matter into R18-2-220, which will expedite emission curtailment and prevent pollution concentrations from reaching levels that may cause significant harm to public health

On January 15, 2013, EPA revised the NAAQS for PM<sub>2.5</sub>, lowering the annual standard to 12.0 µg/m<sup>3</sup> in order to provide increased protection against health effects associated with long- and short-term exposures (78 FR 3086, January 15, 2013). ADEQ is proposing to revise R18-2-220 to bring the state into compliance with the federal standards and as required as a part of Arizona's 2012 PM<sub>2.5</sub> Infrastructure State Implementation Plan.

**3. A citation to all published notices relating to the proceeding:**

The Notice of Proposed Rulemaking: 24 A.A.R. 2615, September 21, 2018 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Lisa Tomczak  
Address: Arizona Department of Environmental Quality  
1110 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 771-4450  
Fax: (602) 771-2299  
E-mail: Tomczak.Lisa@azdeq.gov

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The public comment period for this rulemaking will take place between: October 1, 2018 – November 1, 2018.

The public hearing for the rule will be conducted on: November 1, 2018 at 2:00 p.m.

Location: Arizona Department of Environmental Quality  
1110 W. Washington St., Room 3100B  
Phoenix, AZ 85007

More information can be found in the Notice of Proposed Rulemaking.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

See the Notice of Proposed Rulemaking in this issue.



GOVERNOR EXECUTIVE ORDER

Executive Order 2018-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order will appear in the Register until its expiration on December 31, 2018, and has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2018-02

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

[M18-46]

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016 and 2017; and

WHEREAS, in 2017 the State of Arizona eliminated or repealed 676 needless regulations; and

WHEREAS, estimates show these eliminations saved job creators more than \$48 million in operating costs; and

WHEREAS, 161,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation; and

WHEREAS, each State agency should evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

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

- 2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



6. A State agency subject to this Order, shall review the agency's rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
7. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
9. This Executive Order expires on December 31, 2018.

**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 Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

**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 “General Information” in the front of each issue for more information).

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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**

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## 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	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
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										
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 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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
March 23, 2018	April 13, 2018	May 14, 2018
March 30, 2018	April 20, 2018	May 21, 2018
April 6, 2018	April 27, 2018	May 29, 2018
April 13, 2018	May 4, 2018	June 4, 2018
April 20, 2018	May 11, 2018	June 11, 2018
April 27, 2018	May 18, 2018	June 18, 2018
May 4, 2018	May 25, 2018	June 25, 2018
May 11, 2018	June 1, 2018	July 2, 2018
May 18, 2018	June 8, 2018	July 9, 2018
May 25, 2018	June 15, 2018	July 16, 2018
June 1, 2018	June 22, 2018	July 23, 2018
June 8, 2018	June 29, 2018	July 30, 2018
June 15, 2018	July 6, 2018	August 6, 2018
June 22, 2018	July 13, 2018	August 13, 2018
June 29, 2018	July 20, 2018	August 20, 2018
July 6, 2018	July 27, 2018	August 27, 2018
July 13, 2018	August 3, 2018	September 4, 2018
July 20, 2018	August 10, 2018	September 10, 2018
July 27, 2018	August 17, 2018	September 17, 2018
August 3, 2018	August 24, 2018	September 24, 2018
August 10, 2018	August 31, 2018	October 1, 2018
August 17, 2018	September 7, 2018	October 9, 2018
August 24, 2018	September 14, 2018	October 15, 2018
August 31, 2018	September 21, 2018	October 22, 2018
September 7, 2018	September 28, 2018	October 29, 2018
September 14, 2018	October 5, 2018	November 5, 2018
September 21, 2018	October 12, 2018	November 13, 2018
September 28, 2018	October 19, 2018	November 19, 2018
October 5, 2018	October 26, 2018	November 26, 2018
October 12, 2018	November 2, 2018	December 3, 2018



### 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 5 p.m. 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 <http://grrc.az.gov>.

#### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday January 3, 2018	Tuesday January 9, 2018
Tuesday December 19, 2017	Tuesday January 23, 2018	Tuesday January 30, 2018	Tuesday February 6, 2018
Tuesday January 23, 2018	Tuesday February 20, 2018	Tuesday February 27, 2018	Tuesday March 6, 2018
Tuesday February 20, 2018	Tuesday March 20, 2018	Tuesday March 27, 2018	Tuesday April 3, 2018
Tuesday March 20, 2018	Tuesday April 17, 2018	Tuesday April 24, 2018	Tuesday May 1, 2018
Tuesday April 17, 2018	Tuesday May 22, 2018	Wednesday May 30, 2018	Tuesday June 5, 2018
Tuesday May 22, 2018	Tuesday June 19, 2018	Tuesday June 26, 2018	Tuesday July 10, 2018
Tuesday June 19, 2018	Tuesday July 24, 2018	Tuesday July 31, 2018	Tuesday August 7, 2018
Tuesday July 24, 2018	Tuesday August 21, 2018	Tuesday August 28, 2018	Wednesday September 5, 2018
Tuesday August 21, 2018	Tuesday September 18, 2018	Tuesday September 25, 2018	Tuesday October 2, 2018
Tuesday September 18, 2018	Tuesday October 23, 2018	Tuesday October 30, 2018	Tuesday November 6, 2018
Tuesday October 23, 2018	Tuesday November 20, 2018	Tuesday November 27, 2018	Tuesday December 4, 2018
Tuesday November 20, 2018	Tuesday December 18, 2018	Thursday January 3, 2019	Tuesday January 8, 2019
Tuesday December 18, 2018	Tuesday January 22, 2019	Tuesday January 29, 2019	Tuesday February 5, 2019

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