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ABOUT THIS PUBLICATION

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the Arizona Administrative Code under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the Arizona Administrative Code; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the Arizona Administrative Code. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the Register. The original filed document is available for 10 cents a page.
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

START HERE
APA, statute or ballot proposition is passed. It gives an agency authority to make rules.
It may give an agency an exemption to the process or portions thereof.

Agency opens a docket.
Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.

Agency files Notice of Proposed Rulemaking.
Notice is published in the Register.
Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.
Agency opens comment period.

Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing.

Agency decides not to proceed; files Notice of Termination of Rulemaking. May open a new Docket.

Substantial change?
If no change then
Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated).

Final rule is published in the Register and the quarterly Code Supplement.
**Definitions**


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

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

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

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

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


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

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

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

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

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

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

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

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**Acronyms**

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**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 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

[R21-198]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
R2-8-117 Amend
R2-8-304 Amend

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)(4)
Implementing statute: A.R.S. §§ 38-711 et seq.

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: 27 A.A.R. 2699, November 19, 2021 (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
Email: 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 relating to benefit distributions in specific situations. The ASRS is required to disburse benefits by a federally mandated Required Minimum Distribution (RMD) date. The ASRS needs to amend its rules in order to clarify how the ASRS shall disburse benefits in compliance with the RMD date in specific situations involving Long-term Disability and Return to Work members. Finally, the ASRS needs to make additional clarifying changes to ensure its rules are consistent regarding RMD requirements. These rules will increase understandability of how the ASRS complies with RMD requirements.

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 administers 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 charter schools, 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 rule will have minimal economic impact, if any, because it merely clarifies in further detail how the ASRS complies with RMD requirements.

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
   Email: 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: December 20, 2021
   Time: 9:00 a.m.
   Location: Virtual Meeting
   Dial: 515-599-7279
   Enter Passcode: 969-554-384#

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:
      There are no federal laws applicable to these rules.
   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 1. RETIREMENT SYSTEM

   Section R2-8-117. Return to Work After Retirement

   ARTICLE 3. LONG-TERM DISABILITY

   Section R2-8-304. Payments of Long-Term Disability Benefit

   ARTICLE 1. RETIREMENT SYSTEM

   R2-8-117. Return to Work After Retirement
   A. Unless otherwise specified, in this Section:
      1. “Commencing employment” means the date a retired member who is not independently contracted or leased from a third party pursuant to R2-8-116(A)(4) renders services directly to an Employer for which the retired member is entitled to be paid.
      2. “Returns to work” means the member retired from the ASRS prior to Commencing Employment with an Employer.
   B. Pursuant to A.R.S. § 38-766.01(C), a retired member who returns to work directly with an Employer shall submit a Working After Retirement form to each of the retired member’s current Employers through the retired member’s secure website account within 30 days of the retired member Commencing Employment with an Employer.
   C. Pursuant to A.R.S. § 38-766.02(E), within 14 days of receipt of a Working After Retirement form, an Employer shall verify the retired member’s employment information and submit the verified Working After Retirement form to the ASRS through the Employer’s secure website account for each retired member who returns to work with the Employer.
D. After a retired member returns to work, the Employer shall submit a verified Working After Retirement form to the ASRS through the Employer’s secure website account within 30 days of a change in the actual hours or intent of each retired member’s employment that results in:
   1. The member’s number of hours worked per week increasing from less than 20 hours per week to 20 or more hours per week; or
   2. The member’s number of weeks worked in a fiscal year increasing from less than 20 weeks per fiscal year to 20 or more weeks per fiscal year.

E. The Working After Retirement form shall contain the following information:
   1. The retired member’s Social Security number or U.S. Tax Identification number;
   2. The retired member’s full name;
   3. The date the member retired;
   4. Whether the retired member terminated employment, and if so, the date the retired member terminated employment;
   5. The first date of Commencing Employment upon the retired member’s return to work;
   6. The intent of the retired member’s employment reflected as:
      a. The anticipated number of hours the retired member is engaged to work per week and the anticipated number of weeks the retired member is engaged to work per fiscal year; or
      b. The actual number of hours the retired member works for an Employer per week and the actual number of weeks the retired member works for an Employer in a fiscal year.
   7. Acknowledgement by the retired member that the retired member has read the Return to Work information on the ASRS website and intends to submit the Working After Retirement form to the Employer and submit any additional Working After Retirement forms to the Employer as required.

F. Upon discovering that the retired member’s employment violates A.R.S. §§ 38-766 or 38-766.01, the ASRS shall send the retired member a Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form.

G. By the due date specified on the Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form, the retired member shall return the completed form and any supporting documentation to the ASRS indicating the action the retired member will take to correct the violation of A.R.S. §§ 38-766 or 38-766.01.

H. If the member does not submit the Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form pursuant to subsection (G), the ASRS shall suspend the retired member’s retirement benefits from the date on the Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form.

I. If the ASRS suspends the retired member’s retirement benefits pursuant to subsection (H), the ASRS shall reinstate the retired member’s retirement benefits upon notice from the Employer that all violations pursuant to subsection (F) have been corrected.

J. Notwithstanding any other section, a member who meets the required minimum distributions age according to A.R.S. § 38-775, may not elect to suspend the member’s retirement benefit.

ARTICLE 3. LONG-TERM DISABILITY

R2-8-304. Payment of Long-Term Disability Benefit

A. The ASRS contracted LTD claims administrator shall begin providing an LTD benefit to an eligible disabled member no sooner than six months after the date the disabled member became disabled.

B. Notwithstanding subsection (A), the ASRS contracted LTD claims administrator may begin providing an LTD benefit to an eligible disabled member sooner than six months if the disability is related to the member’s disability that occurred within six months immediately preceding the disability.

C. The ASRS contracted LTD claims administrator may provide an eligible disabled member’s LTD benefit to a third party pursuant to A.R.S. § 38-797.09.

D. Notwithstanding any other section, a member may receive Long-Term disability benefits for no more than 12 months after the member receives a required minimum distribution of the member’s retirement benefit pursuant to A.R.S. § 38-775.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
   R2-8-104 | Amend
   R2-8-115 | Amend
   R2-8-126 | Amend
   R2-8-128 | Amend
   R2-8-130 | Amend
   R2-8-131 | Amend
   R2-8-801 | Amend
   R2-8-1103 | Amend

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)(4)
Implementing statute: A.R.S. §§ 38-711 et seq.

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: 27 A.AR. 2699, November 19, 2021 (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
   
   Email: 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 relating to Domestic Relations Order (DRO) requirements. The ASRS is required to disburse benefits to alternate payees pursuant to acceptable DROs on file with the ASRS. In particular, the ASRS needs to amend its transfer rules to clarify how and if a member may transfer service credit in or out of the ASRS if the member has a DRO on file with the ASRS. The ASRS also needs to amend its retirement rules to clarify how community property is split with regard to retirement benefits based on a DRO and how a former spouse may renounce a community property assertion with regard to retirement benefits. Finally, the ASRS needs to make additional clarifying changes to ensure its rules are consistent regarding DRO requirements. These rules will increase understandability of how the ASRS uses DROs, but the rules do not impose any additional requirements or burdens on members.

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 charter schools, 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 rule will have minimal economic impact, if any, because it merely clarifies in further detail how ASRS uses DROs.

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
   
   Email: 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: December 20, 2021
    
    Time: 9:00 a.m.
    
    Location: Virtual Meeting
    
    Dial: 515-599-7279
    
    Enter Passcode: 969-554-384#

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:**
       
       None
There are no federal laws applicable to these rules.

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 1. RETIREMENT SYSTEM

Section R2-8-104. Definitions

A. The definitions in A.R.S. § 38-711 apply to this Chapter.

B. Unless otherwise specified, in this Chapter:
1. “Actuarial assumption” means an estimate of an uncertain future event that affects pension liabilities, or assets, or both.
2. “Authorized employer representative” means an individual specified by the Employer to provide the ASRS with information about a member who previously worked for the ASRS employer.
3. “Contribution” means:
   a. Amounts required by A.R.S. Title 38, Chapter 5, Articles 2 and 2.1 to be paid to the ASRS by a member or an employer on behalf of a member;
   b. Any voluntary amounts paid to the ASRS pursuant to 2 A.A.C. 8, Article 5 by a member to be placed in the member’s account; and
   c. Amounts credited by transfer under 2 A.A.C. 8, Article 11.
4. “Day” means a calendar day, and excludes the:
   a. Day of the act or event from which a designated period of time begins to run; and
   b. Last day of the period if a Saturday, Sunday, or official state holiday.
5. “Designated beneficiary” means the same as in A.R.S. § 38-762(G) or another person designated as a beneficiary by law.
6. “DRO” means a copy of an original domestic relations order specified in A.R.S. § 38-773(H)(1) that contains all of the following:
   a. The requirements of A.R.S. § 38-773(C);
   b. The date of the member and alternate payee’s marriage;
   c. The date of divorce or the date in which the community property interest ended;
   d. A court stamp indicating the domestic relations order is a true and correct copy of the original domestic relations order on file with the court;
   e. How the member’s ASRS benefits should be split in specific amounts for the following possible events:
      i. The member’s retirement;
      ii. Return of contributions and termination of membership according to R2-8-115; and
      iii. The death of the member prior to retirement;
   f. Whether the member may transfer all ASRS service credit to another retirement system;
 whether the member is required to maintain the alternate payee as the member’s beneficiary; 

h. Whether the member may rescind their retirement option according to A.R.S. § 38-760; and

i. The judge’s dated signature.

5. “Party” means the same as in A.R.S. § 41-1001(14).

6. “Person” means the same as in A.R.S. § 41-1001(15).

7. “Plan” means the same as “defined benefit plan” in A.R.S. § 38-712(B), and as administered by the ASRS.


9. “Rollover” means a contribution to the ASRS by an eligible member of an eligible rollover distribution from one or more of the retirement plans listed in A.R.S. § 38-747(H)(2) and (H)(3).

10. “Terminate employment” means to end the employment relationship between a member and an ASRS employer with the intent that the member does not return to employment with an ASRS employer.


R2-8-115. Return of Contributions Upon Termination of Membership by Separation from All ASRS Employment by Other Than Retirement or Death

A. The following definitions apply to this Section unless otherwise specified:

1. “DCO” means the same as “domestic relations order” in A.R.S. § 28-722(H)(1).

2. “Eligible retirement plan” means the same as in A.R.S. § 38-770(D)(3).

3. “Employer Number” means a unique identifier the ASRS assigns to a member employer.

4. “Employer plan” means the types of eligible retirement plans specified in A.R.S. § 38-770(D)(3)(c), (d), (e), and (f).

5. “LTD” Means the same as in R2-8-301.

6. “On File” means ASRS has received the information.

7. “Process date” means the calendar day the ASRS generates contribution withdrawal documents to be sent to a member.

8. “Warrant” means a voucher authorizing payment of funds due to a member.

B. A member who terminates from all ASRS employment by other than retirement or death and desires a return of the member’s contributions, including amounts received for the purchase of service, any employer contributions authorized under A.R.S. § 38-740, and interest on the contributions, shall request from the ASRS, in writing or verbally, the documents necessary to apply for the withdrawal of the member’s contributions.

C. Upon request to withdraw by the member, the ASRS shall provide:

1. An Application for Withdrawal of Contributions and Termination of Membership form to the member, and

2. An Ending Payroll Verification - Withdrawal of Contribution and Termination of Membership form to the employer, if ASRS has received contributions for the member within the six months immediately preceding the date the member submitted the request to ASRS.

D. The member shall complete and return to the ASRS the Application for Withdrawal of Contributions and Termination of Membership form that includes the following information:

1. The member’s full name;

2. The member’s Social Security number or U.S. Tax Identification number;

3. The member’s current mailing address, if not On File with ASRS;

4. The member’s birth date, if not On File with ASRS;

5. Notarized signature of the member certifying that the member:

   a. Is no longer employed by any Employer;

   b. Is neither under contract nor has any verbal or written agreement for future employment with an Employer;

   c. Is not currently in a leave of absence status with an Employer;

   d. Understands that each of the member’s former Employers will complete an ending payroll verification form if ASRS has received contributions for the member within the six months immediately preceding the date the member submitted the request to ASRS;

   e. Understands that the member’s most recent Employer will complete an ending payroll verification form for the member if the member has reached the member’s required beginning date pursuant to A.R.S. § 38-775;

   f. Has read and understands the Special Tax Notice Regarding Plan Payments the member received with the application and the member elects to waive the member’s 30-day waiting period to consider a rollover or a cash distribution;

   g. Understands that the member is forfeiting all future retirement rights and privileges of membership with ASRS;

   h. Understands that LTD benefits will be canceled if the member elects to withdraw contributions while receiving or electing to receive long-term disability benefits;

   i. Understands that if the member elects to roll over all or any portion of the member’s distribution to another employer plan, it is the member’s responsibility to verify that the receiving employer plan will accept the rollover and, if applicable, agree to separately account for the pre-tax and post-tax amounts rolled over and the related subsequent earnings on the amounts;

   j. Understands that if the member elects to roll over all or any portion of the member’s distribution to an individual retirement account, it is the member’s responsibility to separately account for pre-tax and post-tax amounts; and

   k. Understands that if the member elects a rollover to another employer plan or individual retirement account, any portion of the distribution not designated for rollover will be paid directly to the member and any taxable amounts will be subject to applicable state and federal tax withholding;

   l. Understands that the member is not considered terminated and cannot withdraw the member’s ASRS contribution if the member was called to active military service and is not currently performing services for an Employer;

   m. Understands that any person who knowingly makes any false statement with an intent to defraud the ASRS is guilty of a Class 6 felony in accordance with A.R.S. § 38-793.

6. Specify that:

   a. The entire amount of the distribution be paid directly to the member,
E. If ASRS has received contributions for the member within six months immediately preceding the date the member submitted the request to ASRS each Employer shall complete an Ending Payroll Verification - Withdrawal of Contributions and Termination of Membership form electronically that includes the following information:
1. The member’s full name;
2. The member’s Social Security number or U.S. Tax Identification number;
3. The member’s termination date;
4. The member’s final pay period ending date;
5. The final amount of contributions, including any adjustments or corrections, but not including any long-term disability contributions;
6. The Employer’s name and telephone number;
7. The Employer Number;
8. The name and title of the authorized Employer representative;
9. Certification by the authorized Employer representative that:
   a. The member Terminated Employment and is neither under contract nor bound by any verbal or written agreement for employment with the Employer;
   b. There is no agreement to re-employ the member;
   c. Any person who knowingly makes any false statement or who falsifies any record of the retirement plan with an intent to defraud the plan, is guilty of a Class 6 felony according to A.R.S. § 38-793; and
   d. The authorized Employer representative certifies that they are the Employer user named on the Ending Payroll Verification - Withdrawal of Contributions and Termination of Membership form and their title and contact information is current and correct.
F. If the member has attained a required beginning distribution date as of the date the member submitted the request to ASRS, the most recent Employer shall complete an Ending Payroll Verification - Withdrawal of Contributions and Termination of Membership form electronically that includes the information contained in subsection (E).
G. If the member requests a return of contributions and a Warrant is distributed during the fiscal year that the member began membership in the ASRS, no interest is paid to the account of the member.
H. If the member requests a return of contributions after the first fiscal year of membership, the ASRS shall credit interest at the rate specified in Column 3 of the table in R2-8-118(A) to the account of the member as of June 30 of each year, on the basis of the balance in the account of the member as of the previous June 30. The ASRS shall credit interest for a partial fiscal year of membership in the ASRS on the previous June 30 balance based on the number of days of membership up to and including the day the ASRS issues the Warrant divided by the total number days in the fiscal year. Contributions made after the previous June 30 are returned without interest.
I. Upon submitting to the ASRS the completed and accurate Application for Withdrawal of Contributions and Termination of Membership form and, if applicable, after the ASRS has received any Ending Payroll Verification - Withdrawal of Contributions and Termination of Membership forms, a member is entitled to payment of the amount due to the member as specified in subsection (G) or (H) unless a present or former spouse submits to the ASRS a certified copy or original DRO that specifies entitlement to all or part of the return of contributions under A.R.S. § 38-773. ASRS has received a DRO before the ASRS returns the contributions as specified by the member.
J. A member may cancel an Application for Withdrawal of Contributions and Termination of Membership form at any time before the return of contributions is disbursed by submitting written notice to ASRS to cancel the request.
K. If an Application for Withdrawal of Contributions and Termination of Membership form is completed through the member’s secure ASRS account, the secure login and successful submission of the knowledge based answers shall serve as the member’s notarized signature required under subsection (D)(5).

R2-8-126. Retirement Application
A. For the purposes of this Section, the following definitions apply, unless stated otherwise:
1. “Acceptable documentation” means any written request containing all the accurate, required information, dates, and signatures necessary to process the request.
2. “Acceptable form” means any ASRS form request containing all the accurate, required information, dates, and signatures necessary to process the form request.
3. “Applicable retirement date” means the later of:
   a. The date a member retires from the ASRS for the first time; or
   b. The date a member re-retires from the ASRS after returning to active membership.
4. “Conservator” means the same as in A.R.S. § 14-7651.
5. “DRO” means the same as in R2-8-115.
7. “Legal documentation” means:
   a. One document issued from a United States government entity; or
   b. Two documents issued from one or more federal, state, local, sovereign, medical, or religious institution.
8. “LTD” means the same as in R2-8-301.
9. “Irrevocable PDA” means the same as in R2-8-501.
“On File” means the same as in R2-8-115.

“Original retirement date” means the later of:
   a. The date a member retires from the ASRS for the first time; or
   b. The date a member re-retires from the ASRS after returning to active membership for 60 consecutive months or more according to A.R.S. § 38-766(C).

“Period certain and life annuity retirement benefit option” means an optional form of retirement benefits described in A.R.S. § 38-760(B)(2).

“Spouse” means the individual to whom a member is married under Arizona law.

“Straight life annuity” means the same as monthly life annuity according to A.R.S. § 38-757.

A member may retire from the ASRS by submitting a Retirement Application to the ASRS that contains the following information:

1. The member’s full name;
2. The member’s Social Security number or U.S. Tax Identification number;
3. The member’s marital status, if not On File with ASRS;
4. The member’s current mailing address; if not On File with ASRS;
5. The member’s date of birth, if not On File with ASRS;
6. A retirement date according to A.R.S. § 38-764(A);
7. The retirement option the member is electing;
8. If the member is electing to roll over a lump sum distribution amount to another retirement account, then:
   a. The type of account and account number, if applicable, to which the member is electing to roll over the lump sum distribution; and
   b. The name and address of the financial institution of the account to which the member is electing to roll over the lump sum distribution;
9. The following information for each primary beneficiary, unless the member is receiving a mandatory lump sum distribution under subsection (M):
   a. The beneficiary’s full name;
   b. The beneficiary’s Social Security number, if the beneficiary is a U.S. citizen;
   c. The beneficiary’s date of birth;
   d. The beneficiary’s relationship to the member; and
   e. The percent of benefit the beneficiary may receive upon death of the member, if the member is designating more than one beneficiary.

10. Whether the member is electing the Optional Health Insurance Premium Benefit;

11. The following spousal consent information, if the member is married and is electing a retirement option other than a Joint and Survivor Retirement Benefit Option with at least 50% of the retirement benefit designated to the member’s spouse:
   a. Whether the member’s spouse consents to the member making a beneficiary election that provides the member’s spouse with less than 50% of the member’s account balance;
   b. Whether the member’s spouse consents to the member electing a retirement option other than a Joint and Survivor Retirement Benefit Option;
   c. The member’s spouse’s full name; and
   d. The member’s spouse’s notarized signature;

12. Whether the member is electing to receive a partial lump sum distribution according to A.R.S. § 38-760 and if so:
   a. How many months of annuity, up to 36 months, the member is electing to receive as a partial lump sum;
   b. Whether the member is electing to directly receive the partial lump sum distribution reduced by applicable tax withholding amounts;
   c. Whether the member is electing to roll over all or a portion of the partial lump sum distribution amount to one other retirement account; and
   d. Whether the member is electing to use the partial lump sum distribution to purchase service credit with ASRS based on a service purchase request dated before January 6, 2013;

13. Acknowledgement of the following statements of understanding:
   a. The member is aware of the member’s LTD stop-payment date and any disability benefits the member is receiving shall cease upon the retirement date the member elects according to subsection (B)(6);
   b. The member understands that if an overpayment exists, ASRS shall collect the remaining overpayment amount according to 2 A.A.C. 8, Article 8 and all repayment plans previously established with ASRS LTD claims administrator shall cease;
   c. The member understands that if the member is submitting written notice of a changed retirement date, benefit option, or partial lump sum increment selection, ASRS shall distribute the member’s benefit as of the later of:
      i. The date ASRS receives the most recent Acceptable Documentation; or
      ii. The retirement date contained in the most recent Acceptable Documentation.
   d. The member has received the Special Tax Notice Regarding Plan Payments;
   e. The member has received the Return to Work information and will comply with the laws and rules governing the member’s return to work;
   f. The member authorizes ASRS and the banking institution identified in subsection (W) to debit the member’s account for the purposes of correcting errors and returning any payments inadvertently made after the member’s death;
   g. The member understands that the member may have a one-time option to rescind a Joint and Survivor Retirement Benefit Option or a Period Certain and Life Annuity Retirement Benefit Option according to R2-8-130;
   h. The member understands that any person who knowingly makes any false statement with the intent to defraud ASRS is guilty of a Class 6 felony in accordance with A.R.S. § 38-793; and
i. The member acknowledges that the member has complied with A.R.S. §§ 38-755 and 38-776 regarding spousal consent; and
14. The member’s notarized signature.
C. If a Retirement Application is completed through the member’s secure ASRS account, the member’s notarized signature is not required under subsection (B)(14).
D. If the retirement date the member elects according to subsection (B)(6) is not allowed, the ASRS shall change the retirement date to the earliest eligible date according to A.R.S. 38-764(A), unless the member is not eligible to retire.
E. A member who elects to roll over all or a portion of the partial lump sum distribution amount according to subsection (B)(12)(c), shall submit the following written information to the ASRS:
1. The type of account and account number to which the member is electing to roll over;
2. The name and address of the financial institution of the account to which the member is electing to roll over; and
3. If the member is electing to roll over a portion of the partial lump sum distribution, then the amount the member is electing to roll over.
F. If the member elects to roll over all or a portion of their lump sum or partial lump sum distribution, the ASRS shall only roll over the distribution to one retirement account.
G. Any portion of the partial lump sum distribution that is not rolled over to another retirement account according to subsection (B) shall be distributed directly to the member.
H. If the member elects to use the partial lump sum distribution to purchase service credit according to subsection (B)(12)(d) the member shall submit the following written information to the ASRS:
1. The number of the service purchase invoice;
2. Whether the member is electing to apply the partial lump sum distribution to all eligible service on that invoice;
3. If the member is not electing to apply the partial lump sum distribution to all eligible service on that invoice, then:
   a. The amount of the partial lump sum distribution to be applied to that invoice;
   b. The number of years on that invoice the member is electing to purchase with the partial lump sum distribution;
4. If the member is electing to make a payment on that service purchase invoice with after-tax payments, a rollover, or termination pay according to A.R.S. § 38-747;
5. Whether the member is electing to authorize the ASRS to increase the number of months of annuity, not to exceed 36 months, to purchase the eligible service on that service purchase invoice, if the member elected an insufficient number of months of annuity to receive as a partial lump sum according to subsection (G) to complete the service purchase invoice;
6. If the member does not have eligible service to purchase on that invoice, whether the member is electing to cancel the member’s election to receive a partial lump sum distribution.
I. A member who elects to receive a partial lump sum distribution shall receive an actuarially reduced annuity retirement benefit according to A.R.S. § 38-760.
J. ASRS shall disburse any partial lump sum amount that is not applied to a service purchase invoice according to subsection (G) directly to the member after withholding applicable taxes.
K. After submitting a Retirement Application according to subsection (B), a member may make changes to the member’s Retirement Application by submitting written notice to the ASRS of the specific changes according to A.R.S. § 38-764(H).
L. If ASRS has received contributions for the member within the three years immediately preceding the member’s retirement date, the ASRS shall send a New Retirement Ending Payroll Verification form to the Employer. If ASRS has received contributions for the member within the six months immediately preceding the member’s retirement date and the member shall receive a one-time lump sum payment according to subsection (P), the ASRS shall send a New Retirement Ending Payroll Verification form to the Employer.
M. If the member has reached the age for minimum required distribution according to A.R.S. § 38-775(H)(4), the ASRS shall send a New Retirement Ending Payroll Verification form to the member’s most recent Employer.
N. The Employer shall submit the completed New Retirement Ending Payroll Verification form to ASRS with the following information:
1. The member’s Termination date or last day of ASRS membership with that Employer, if applicable;
2. The member’s total salary paid during their last fiscal year;
3. The member’s compensation for the last pay period;
4. The name and title of the authorized Employer representative;
5. Certification by the authorized Employer representative that:
   a. Any person who knowingly makes any false statement or who falsifies any record of the retirement plan with an intent to defraud the plan, is guilty of a Class 6 felony according to A.R.S. § 38-793; and
   b. The authorized Employer representative certifies that they are the Employer user named on the New Retirement Ending Payroll Verification form and their title and contact information is current and correct.
O. The ASRS shall cancel a member’s Retirement Application if ASRS does not receive all forms and information required under this Section within six months immediately after the member’s retirement date.
P. As authorized under A.R.S. § 38-764(F), if a member’s Straight Life Annuity, after any applicable early retirement reduction factor, is less than a monthly amount of $100, the ASRS shall not pay the annuity. Instead, the ASRS shall make a one-time mandatory lump sum payment in the amount determined by using appropriate actuarial assumptions.
Q. For purposes of calculating a member’s retirement benefit according to A.R.S. §§ 38-758 and 38-759, ASRS shall calculate age to the nearest day as of the member’s retirement date.
R. Based on the retirement option the member elects according to A.R.S. § 38-760, the ASRS shall calculate a member’s actuarially reduced benefits, based on the attained age of the member, and if necessary, the attained age of the contingent annuitant as of the date of the member’s retirement as follows:
1. For a partial lump sum retirement benefit option, ASRS shall calculate age to the nearest day as of the member’s retirement date;
2. For a Joint and Survivor Retirement Benefit Option, ASRS shall calculate age to the nearest day as of the member’s retirement date; and
3. For a mandatory lump sum payment according to subsection (O) or a Period Certain and Life Annuity Retirement Benefit Option, ASRS shall calculate age to the nearest full month in addition to calculating age according to subsection (P) as necessary.

S. If the ASRS is unable to verify the age of the member or a contingent annuitant, the member or contingent annuitant shall provide legal documentation showing the member’s or contingent annuitant’s age.

T. If a member does not retire by the date minimum distribution payments are required according to A.R.S. §§ 38-759 and 38-775, the required minimum distribution payments will accrue interest at the Assumed Actuarial Investment Earnings Rate as specified in R2-8-118(A) and in effect on the date the required minimum distribution payments should have begun.

U. The ASRS shall distribute any required minimum distribution payments with interest according to subsection (T) with the member’s first finalized benefits payment.

V. If a member submits a retirement application after the member’s minimum required distribution date, the ASRS shall determine that the member’s Applicable Retirement Date is the date the required minimum distribution payments should have begun.

W. Notwithstanding any other Section, an inactive member who does not have contributions related to compensation is not eligible for retirement.

X. The ASRS shall issue a debit benefit card, if the annuitant does not provide the following direct deposit information through an annuitant’s secure ASRS account or by a notarized direct deposit form:
1. The member’s full name;
2. The member’s bank account routing number;
3. The member’s bank account number; and
4. The type of the account.

Y. The ASRS shall disburse benefit payments according to subsection (R), only retroactive to the later date specified in A.R.S. § 38-759(B).

Z. ASRS shall not issue additional estimate checks to a member whose retirement is canceled.

R2-8-128. Joint and Survivor Retirement Benefit Options
A. The definitions in R2-8-126 apply to this Section.
B. A member who is ten years and one day, or more, older than the member’s non-spouse contingent annuitant is not eligible to elect a 100% Joint and Survivor Retirement Benefit Option.
C. A member who is 24 years and one day, or more, older than the member’s non-spouse contingent annuitant is not eligible to elect a 66 2/3% Joint and Survivor Retirement Benefit Option.
D. For members whose Original Retirement Date is on or after March 6, 2016, notwithstanding subsection (B), a member who is ten years and one day, or more, older than the member’s ex-spouse contingent annuitant is eligible to participate in a 66 2/3% Joint and Survivor Retirement Benefit Option, if:
1. The member elected the ex-spouse as the contingent annuitant prior to divorce from the ex-spouse; and
2. The member submits an original or certified copy of a DRO to ASRS which requires the ex-spouse to remain as the contingent annuitant on the member’s account.

E. For members whose Original Retirement Date is on or after March 6, 2016, notwithstanding subsection (C), a member who is 24 years and one day, or more, older than the member’s ex-spouse contingent annuitant is eligible to participate in a 66 2/3% Joint and Survivor Retirement Benefit Option, if:
1. The member elected the ex-spouse as the contingent annuitant prior to divorce from the ex-spouse; and
2. The member submits an original or certified copy of a DRO to ASRS which requires the ex-spouse to remain as the contingent annuitant on the member’s account.

F. Notwithstanding any other Section, for purposes of determining whether a member is eligible to participate in a Joint and Survivor Retirement Benefit Option, the ASRS shall calculate the difference in a member’s age and the contingent annuitant’s age based on the birthdates of the member and the contingent annuitant. For purposes of this Section, a contingent annuitant must be a living person.

R2-8-130. Rescind or Revert Retirement Election; Change of Contingent Annuitant
A. The definitions in R2-8-126 apply to this Section.
B. According to A.R.S. § 38-760(B)(2), for a member whose Original Retirement Date is after August 9, 2001, upon the expiration of a member’s period certain term the ASRS shall rescind the member’s election and the ASRS shall provide the member a Straight Life Annuity Retirement Benefit subject to any retirement reductions applicable at the member’s Original Retirement Date.
C. According to A.R.S. § 38-760(B)(2), a member whose Original Retirement Date is after August 9, 2001 and before July 1, 2008 and who elected a Period Certain and Life Annuity Retirement Benefit Option, may rescind the election and elect to receive a Straight Life Annuity retirement benefit prior to the expiration of the member’s period certain term.
D. According to A.R.S. § 38-760(B)(1), a member whose Original Retirement Date is before July 1, 2008 and who elected a Joint and Survivor Retirement Benefit Option may rescind the election and elect to receive a Straight Life Annuity retirement benefit prior to the member’s death.

E. A member whose Original Retirement Date is on or after July 1, 2008 and who elected a Period Certain and Life Annuity Retirement Benefit Option may exercise a one-time election to rescind the election and elect to receive a Straight Life Annuity retirement benefit prior to the expiration of the member’s period certain term if the member provides proof to ASRS of the death of the primary beneficiary or an original or certified copy of a DRO showing that the primary beneficiary has ceased to be a primary beneficiary.

F. A member whose Original Retirement Date is on or after July 1, 2008 and who elected a Joint and Survivor Retirement Benefit Option may exercise a one-time election to rescind the election and elect to receive a Straight Life Annuity retirement benefit prior to the death of the member if the member provides proof to ASRS of the death of the contingent annuitant or an original or certified copy of a DRO showing that the contingent annuitant has ceased to be a contingent annuitant.
A member who elected to rescind a Period Certain and Life Annuity Retirement Benefit Option according to subsection (C) may elect to revert to the Period Certain and Life Annuity Retirement Benefit Option by submitting an Application to Rescind, Revert or Change Contingent Annuitant as specified in subsection (M).

A member who elected to rescind a Joint and Survivor Retirement Benefit Option according to subsection (D) may elect to revert to the Joint and Survivor Retirement Benefit Option by submitting an Application to Rescind, Revert or Change Contingent Annuitant Option as specified in subsection (M).

A member who elected to rescind their election according to subsections (E) or (F) is not eligible to revert to a Period Certain and Life Annuity Retirement Benefit Option or a Joint and Survivor Retirement Benefit Option.

Notwithstanding any other provision, the time period of a Period Certain and Life Annuity Retirement Benefit Option shall be continuous from the member’s retirement date until the term expires regardless of whether the member rescinds or reverts to another retirement option.

A member who wants to rescind or revert a retirement election according to subsections (C) through (H) shall ensure ASRS receives an Application to Rescind, Revert or Change Contingent Annuitant at least one day prior to the member’s death.

In order to rescind, revert, or change a contingent annuitant, the member shall submit an Application to Rescind, Revert or Change Contingent Annuitant with the following information:

1. The member’s full name;
2. The member’s Social Security number or U.S. Tax Identification number;
3. The member’s marital status, if not On File with ASRS;
4. Whether the member is electing to rescind, revert, or change a contingent annuitant;
5. The member’s notarized signature acknowledging the following statements of understanding:
   a. For rescinding a retirement election:
      i. By this action, and the member’s signature, the member is aware that the member’s designated beneficiary or contingent annuitant will not continue with monthly benefits after the member’s death;
      ii. The member is aware that a certified copy of the member’s designated beneficiary’s or contingent annuitant’s death certificate or an original certified copy of a DRO is required if the member retired on or after July 1, 2008;
      iii. At the time of the member’s death, if the ASRS has not disbursed the total employee contributions on the member’s account, plus interest at the Assumed Actuarial Investment Earnings Rate specified in R2-8-118(A) through the month prior to the member’s retirement date, the balance will be payable in a lump sum to the beneficiary named on the member’s most recent Acceptable Form.
   b. For changing a contingent annuitant or beneficiary:
      i. For a Joint and Survivor Retirement Benefit Option, by this action, and the member’s signature, the contingent annuitant named on the member’s most recent Acceptable Form will receive the previously elected percentage amount of the member’s monthly benefit for their lifetime following the member’s death;
      ii. For a Joint and Survivor Retirement Benefit Option, the member is aware that a copy of the contingent annuitant’s Legal Documentation is required and the member’s benefit will be recalculated based on the member’s age and the age of the member’s new contingent annuitant as of the effective date of the member’s request according to this Section;
      iii. For a Joint and Survivor Retirement Benefit Option, the member is in compliance with the age difference limitations in R2-8-128; and
   c. For reverting to a previously elected retirement benefit option according to A.R.S. § 38-760:
      i. For a Joint and Survivor Retirement Benefit Option, by this action, and the member’s signature, the contingent annuitant named the member’s most recent Acceptable Form will receive the previously elected percentage amount of the member’s monthly benefit for their lifetime following the member’s death;
      ii. For a Joint and Survivor Retirement Benefit Option, the member is aware that a copy of Legal Documentation showing the contingent annuitant’s date of birth is required and the member’s benefit will be recalculated based on the member’s age and the age of the member’s contingent annuitant as of the effective date of the member’s request according to this Section;
      iii. For a Joint and Survivor Retirement Benefit Option, the member is in compliance with the age difference limitations in R2-8-128; and
      iv. For a Period Certain and Life Annuity Retirement Benefit Option, by this action, and the member’s signature, the beneficiary named on the member’s most recent Acceptable Form will receive the remaining term of monthly payments.
   d. For a Joint and Survivor Retirement Benefit Option, by this action, and the member’s signature, the contingent annuitant will not continue with monthly benefits after the member’s death;
   e. For a Joint and Survivor Retirement Benefit Option, the member is aware that a copy of Legal Documentation showing the contingent annuitant’s date of birth is required and the member’s benefit will be recalculated based on the member’s age and the age of the member’s contingent annuitant as of the effective date of the member’s request according to this Section;
   f. For a Joint and Survivor Retirement Benefit Option, the member is in compliance with the age difference limitations in R2-8-128; and
   g. For a Period Certain and Life Annuity Retirement Benefit Option, by this action, and the member’s signature, the beneficiary named on the member’s most recent Acceptable Form will receive the remaining term of monthly payments.
5. If the member is married, whether the member’s spouse consents to the following with the spouse’s notarized signature:
   a. The member making a beneficiary designation that provides the member’s spouse with less than 50% of the member’s account balance;
   b. The member electing a retirement option other than a Joint and Survivor Retirement Benefit Option; or
   c. The member changing or ending the spouse’s contingent annuitant status.
8. Whether the spouse’s consent is not required because:
In order to change a beneficiary designation, a member shall submit the information contained in subsection (B) and:

F. The ASRS shall honor a beneficiary designation last made or a retirement election submitted before July 1, 2013, even if the beneficiary dies or ceases to be a beneficiary according to the terms of an original or certified copy of a DRO.

G. Subsection (E) does not apply to a member who submits an Acceptable Form designating a beneficiary without indicating the percentage of the benefit the member is allocating to the beneficiary, the ASRS shall determine that each beneficiary is designated to receive an equal amount of the benefit.

H. Subsection (E) does not apply to a member who submits a Spousal Consent Exception form that contains the member’s notarized signature unless the member elects to allocate the benefit to the designated beneficiary, notarized signature.

I. In order to change a beneficiary designation or retirement election fails to comply with subsection (E).

J. A married member who re-retires according to A.R.S. § 38-766:
1. Within less than 60 consecutive months of active membership from the member’s previous retirement date, is not eligible to elect a different annuity option or different beneficiary than the member elected at the time of the previous retirement; or
2. At least 60 consecutive months of active membership after the member’s previous retirement date, may elect a different annuity option and different beneficiary than the member elected at the time of the previous retirement, and the election shall comply with subsection (E).

K. If a married member submits a retirement application that fails to comply with subsection (E), the member shall submit a new retirement application or written notice of new retirement elections that comply with subsection (E) within six months of the member’s Original Retirement Date. The member’s new Original Retirement Date is the date ASRS receives the new application or written notice unless the member elects a later date according to A.R.S. § 38-764.

L. If a married member made a beneficiary designation or retirement election not consistent with the requirements specified in subsection (E), the ASRS shall, at the time of the member’s death:
1. Notify both the spouse and designated beneficiary and:
   a. Provide the spouse with an opportunity to waive the right under subsection (E); and
   b. Provide the designated beneficiary with an opportunity to provide documentation that revokes the spouse’s right under subsection (E); and

R2-8-131. Designating a Beneficiary; Spousal Consent to Beneficiary Designation

A. The definitions in R2-8-126 apply to this Section.

B. In order to designate a beneficiary, a member shall submit an Acceptable Form containing the following information:
1. The Member’s full name and one or more of the following information:
   a. The Member’s Social Security number or U.S. Tax Identification number; or
   b. The Member’s address; or
   c. The Member’s date of birth;
2. The following information for the beneficiary:
   a. The full name of the person or entity the member is designating as beneficiary;
   b. Whether the beneficiary is being designated as primary or secondary beneficiary;
   c. The percentage of the benefit the member is allocating to the beneficiary; and
3. The member’s notarized signature.

C. If a change in a designated beneficiary is completed through the member’s secure ASRS account, the member’s notarized signature is not required under subsection (B)(3).

D. If a member submits an Acceptable Form designating a beneficiary without indicating the percentage of the benefit the member is allocating to the beneficiary, the ASRS shall determine that each beneficiary is designated to receive an equal amount of the benefit.

E. Effective July 1, 2013, a married member:
1. Who is not retired shall name and maintain the member’s current spouse as primary beneficiary of at least 50% of the member’s retirement account unless:
   a. Naming or maintaining the current spouse as beneficiary violates another law, existing contract, or court order; or
   b. The spouse consents to an alternate beneficiary;
2. Who retires shall choose a Joint and Survivor Retirement Benefit Option and name the member’s current spouse as contingent annuitant unless:
   a. Naming or maintaining the current spouse as contingent annuitant violates another law, existing contract, or court order; or
   b. The spouse consents to an alternate contingent annuitant; or
   c. The spouse consents to an alternate annuity option under A.R.S. §§ 38-757 or 38-760.

F. The ASRS shall honor a beneficiary designation last made or a retirement election submitted before July 1, 2013, even if the beneficiary designation or retirement election fails to comply with subsection (E).

G. Subsection (E) does not apply to a member who is receiving a mandatory lump sum distribution according to A.R.S. § 38-764.

H. Subsection (E) does not apply to a member who submits a Spousal Consent Exception form that contains the member’s notarized signature showing the member’s or contingent annuitant’s age.

I. In order to change a beneficiary designation, a member shall submit the information contained in subsection (B) and:
1. A married member who changes a beneficiary designation on or after July 1, 2013, shall ensure the new beneficiary designation is consistent with subsection (E); or
2. A married member who retired before July 1, 2013, and who wishes to change the contingent annuitant or beneficiary, shall ensure that the new designation is consistent with subsection (E).

J. A married member who re-retires according to A.R.S. § 38-766:
1. Within less than 60 consecutive months of active membership from the member’s previous retirement date, is not eligible to elect a different annuity option or different beneficiary than the member elected at the time of the previous retirement; or
2. At least 60 consecutive months of active membership after the member’s previous retirement date, may elect a different annuity option and different beneficiary than the member elected at the time of the previous retirement, and the election shall comply with subsection (E).

K. If a married member submits a retirement application that fails to comply with subsection (E), the member shall submit a new retirement application or written notice of new retirement elections that comply with subsection (E) within six months of the member’s Original Retirement Date. The member’s new Original Retirement Date is the date ASRS receives the new application or written notice unless the member elects a later date according to A.R.S. § 38-764.

L. If a married member made a beneficiary designation on or after July 1, 2013 that is not consistent with the requirements specified in subsection (E), the ASRS shall, at the time of the member’s death:
1. Notify both the spouse and designated beneficiary and:
   a. Provide the spouse with an opportunity to waive the right under subsection (E); and
   b. Provide the designated beneficiary with an opportunity to provide documentation that revokes the spouse’s right under subsection (E); and
2. Designate 50% of the member’s retirement benefit to the spouse if neither the spouse nor designated beneficiary respond to notification according to subsection (L)(1) within 30 days after notification.

M. If a married member designated a beneficiary before July 1, 2013 that does not comply with subsection (E), upon the death of the member, the member’s spouse may submit written notice to the ASRS prior to disbursement of the member’s account with the following information:
   1. The member’s full name;
   2. The member’s Social Security number or U.S. Tax Identification number;
   3. The spouse’s assertion to the spouse’s right to community property;
   4. An original or copy of the marriage certificate; and
   5. An original or certified copy of the member’s death certificate.

N. If a spouse submits written notice according to subsection (M), the ASRS shall designate the spouse as beneficiary of a percentage of the member’s account according to A.R.S. §§ 25-211 and 25-214 and notify the member’s designated beneficiary of the spouse’s assertion.

O. The ASRS shall determine a spouse’s percentage of the member’s account according to subsection (L) based on the amount of service credit the member acquired during the marriage divided by the total amount of service credit the member acquired, multiplied by 50%.

P. If a beneficiary is notified of a spouse’s assertion according to subsection (N), before ASRS disburses a survivor benefit, the beneficiary may notify ASRS of the beneficiary’s intent to appeal the spouse’s right to a survivor benefit.

Q. Within 30 days, a beneficiary who has notified ASRS of the beneficiary’s intent to appeal a survivor benefit disbursement according to subsection (P), shall submit an appeal to ASRS according to 2 A.A.C. 8, Article 4.

R. An original or certified copy of a DRO may supersede the requirements in subsection (B).

S. To consent to an alternative retirement benefit option or beneficiary designation, a member’s spouse shall complete and have notarized a Spousal Consent form containing the following information:
   1. Member’s full name;
   2. Member’s Social Security number or U.S. Tax Identification number;
   3. Whether the member’s spouse is consenting to one or more of the following:
      a. The member making a beneficiary designation that provides the spouse with less than 50% of the member’s account balance;
      b. The member electing a retirement option other than a Joint and Survivor Retirement Benefit Option;
      c. The member naming a contingent annuitant other than the spouse; and
      d. The spouse’s notarized signature.

T. A member’s spouse may revoke the spouse’s consent to an alternative retirement benefit option or beneficiary designation by sending written notice to ASRS with the following information:
   1. The member’s full name;
   2. The member’s Social Security number or U.S. Tax Identification number;
   3. The spouse’s full name;
   4. The spouse’s dated signature indicating the spouse is revoking all previous Spousal Consent forms.

U. A spouse who is revoking a Spousal Consent form shall ensure the written notice is received no later than the earlier of one day before the member dies or ASRS disburses a retirement benefit to the member.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R2-8-501 Amend
   R2-8-505 Amend
   R2-8-1006 Amend

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)(4)
   Implementing statute: A.R.S. §§ 38-711 et seq.

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: 27 A.A.R. 2700, November 19, 2021 (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

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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 relating to service purchase requirements. A.R.S. §§ 38-729, 38-743, and 38-744 indicate that a member or employer may not purchase service credit if credit or benefits have already been earned for the same time period in “another public employee retirement system.” The ASRS needs to amend its service purchase rules to clarify how and if a member or employer may purchase service credit in the ASRS if the member has already earned service credit in another such system for the same time period. Additionally, the ASRS needs to clarify that pursuant to the service purchase statutes, a service purchase cannot be completed after the member’s death. These rules will increase understandability of how a member may purchase or transfer service credit, but the rules do not impose any additional requirements or burdens on members.

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

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

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 administers 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 charter schools, 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 rule will have minimal economic impact, if any, because it merely clarifies in further detail how a member may purchase or transfer service credits.

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
Email: JessicaT@azasrs.gov

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: December 20, 2021
Time: 9:00 a.m.
Location: Virtual Meeting
Dial: 515-599-7279
Enter Passcode: 969-554-384#

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

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.

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:

There are no federal laws applicable to these rules.

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.

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

None

The full text of the rules follows:
ARTICLE 5. PURCHASING SERVICE CREDIT

Section
R2-8-501. Definitions
R2-8-505. Restrictions on Purchasing Overlapping Service Credit

ARTICLE 10. MEMBERSHIP
R2-8-1006. Prior Service Purchase for New Employers

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.
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.
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;
   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;
   c. Amount of Service Credit the member wishes to purchase; and
   d. Member’s current annual compensation.
4. “Authorized representative” means an individual who has been delegated the authority to act on behalf of a Custodian, Trustee, Plan Administrator, or a member, if the member’s IRA or 403(b) is not maintained by the member’s Employer.
5. “Current years of credited service” means 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.
6. “Custodian” means a financial institution that holds financial assets for guaranteed safekeeping.
7. “Direct rollover” means distribution of 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).
8. “Eligible funds” means payments listed in A.R.S. § 38-747(H)(2) and (H)(3).
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.
10. “Forfeited service” means credited service for which the ASRS has returned retirement contributions to the member under A.R.S. § 38-740.
12. “Irrevocable PDA” means an irrevocable “Payroll Deduction Authorization” contract between an Eligible Member, an Employer, and the ASRS that requires the Employer to withhold payments from an Eligible Member’s pay for a specified amount and for a specified number of payments, as provided in A.R.S. § 38-747.
14. “LTD” means the same as R2-8-301.
15. “Military Call-up service” means a member is called to Active Duty under A.R.S. § 38-745 in a branch of the United States Uniformed Services.
16. “Military service” means Active Duty or Active Reserve Duty under A.R.S. § 38-745 with any branch of the United States Uniformed Services or the Commissioned Corps of the National Oceanic and Atmospheric Administration.
17. “Military service record” means a United States 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 dates, if applicable; or
   e. Active Reserve Duty dates, if applicable; and
   f. Point history for Active Reserve Duty dates, if applicable.
19. “PDA pay-off invoice” means written correspondence from the ASRS to an Eligible Member that specifies the amount necessary to be paid by the Eligible Member to complete an Irrevocable PDA to receive the total credited service specified in the Irrevocable PDA.
20. “Plan administrator” means the person authorized to represent a specific eligible plan as addressed in IRC § 414(g).
21. “Service credit” means Forfeited Service, Leave of Absence Service, Military Service and Military Call-up Service under A.R.S. § 38-745, and Other Public Service that an Eligible Member may purchase.
22. “SP invoice” means a written correspondence from the ASRS informing an Eligible Member of the amount of money required to purchase a specified amount of Service Credit.
23. “Termination pay” means an Employer’s payment to the ASRS of an Eligible Member’s pay received as a result of terminating employment to purchase Service Credit as specified in A.R.S. § 38-747(B)(2).
24. “Three full calendar months” means the first day of the first full month through the last day of the third consecutive full month.
25. “Transfer employment” means to terminate employment with one Employer with which an Eligible Member has an Irrevocable PDA:
   a. After accepting an offer to work for a new Employer;
   b. While working as an active member for a different Employer; or
   c. Before returning to work with any Employer within 120 days of terminating employment.
26. “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 from which, at the time of the transfer, a member is not eligible to receive a distribution.
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 Reserve, and the Commissioned Corps of the Public Health Service.
28. “Window credit” means overpayments made on previously purchased Service Credit by members of the ASRS as provided by Laws 1997, Ch. 280, § 21, and Laws 2003, Ch. 164, § 3.

R2-8-505. Restrictions on Purchasing Overlapping Service Credit
A. The ASRS shall not permit an Eligible Member to purchase 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. A member may not purchase Service Credit for any period of time for which the member is eligible to receive retirement benefits from another public employee retirement system.
C. For purposes of this section, “another public employee retirement system” means any retirement plan providing retirement benefits and maintained by the United States government, a state, territory, commonwealth, overseas possession or insular area of the United States or a political subdivision of a state, territory, commonwealth, overseas possession or insular area of the United States.

ARTICLE 10. MEMBERSHIP

R2-8-1006. Prior Service Purchase Cost for New Employers
A. Pursuant to A.R.S. § 38-729, upon the effective date of joining the ASRS, an Employer may elect to purchase service credit for a period of employment prior to the effective date of joining the ASRS for employees Engaged To Work for the Employer on the effective date of joining the ASRS who are members of the ASRS as of the effective date of joining the ASRS.
B. The ASRS may provide to a potential Employer an estimated cost to purchase service credit pursuant to this Section. In order for the ASRS to estimate the cost to purchase service credit pursuant to this Section, a potential Employer shall provide the following information to the ASRS for each employee of the potential Employer who is Engaged To Work for the potential Employer and for whom the potential Employer intends to purchase service credit pursuant to this Section:
   1. The employee’s full name;
   2. The employee’s date of birth;
   3. The employee’s Social Security number;
   4. The employee’s current salary; and
   5. The date the employee began employment with the potential Employer.
C. An Employer who elects to purchase service credit pursuant to this Section shall submit the following information for each member for which the Employer is purchasing service credit:
   1. Member’s full name;
   2. Member’s date of birth;
   3. Member’s Social Security number;
   4. Member’s date of employment;
   5. Documentation showing the Member is Engaged To Work for the Employer as of the effective date of joining the ASRS;
   6. Member’s current salary as of the effective date of joining the ASRS; and
   7. The number of years the Employer is electing to purchase for the member pursuant to this Section or the dollar amount the Employer is electing to pay to purchase service for the member pursuant to this Section.
D. The cost to purchase service credit pursuant to this Section shall be determined using an actuarial present value calculation.
E. An Employer who elects to purchase service credit pursuant to this Section shall submit payment for the full cost of the service purchase to the ASRS within 90 days of the date of notification by the ASRS.
F. If an Employer who elects to purchase service credit pursuant to this Section does not submit payment for the full cost of the service purchase within 90 days of the date of notification, the Employer is not eligible to purchase service credit pursuant to this Section.
G. An employer may not purchase service credit pursuant to this Section for a time period for which the employee is eligible to receive retirement benefits from another public employee retirement system.
H. For purposes of this Section, “another public employee retirement system” means the same as in R2-8-505.
NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

PREAMBLE

1. Article, Part, or Section Affected (as applicable)  Rulemaking Action
   R2-8-803  Amend
   R2-8-808  Amend
   R2-8-809  Amend

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)(4)
   Implementing statute: A.R.S. §§ 38-711 et seq.

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: 27 A.A.R. 2689, November 19, 2021 (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
   Email: 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 relating to Overpayments. The ASRS is required to correct any errors resulting in a member receiving more than the benefits they are eligible to receive pursuant to statute. In particular, the ASRS needs to amend its overpayments rules to clarify how the ASRS may correct an overpayment error related to a health insurance premium benefit and Long-term Disability (LTD) benefits. The ASRS also needs to make additional clarifying changes to ensure its rules are consistent regarding overpayment requirements. These rules will increase understandability of how the ASRS may recover an overpayment.

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 charter schools, 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 rule will have minimal economic impact, if any, because it merely clarifies in further detail how the ASRS may recover an overpayment.

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
   Email: 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: December 20, 2021
    Time: 9:00 a.m.
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:
   There are no federal laws applicable to these rules.

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 8. RECOVERY OF OVERPAYMENTS

Section
R2-8-803. Reimbursement of Overpayments
R2-8-808. Collection of Overpayments by the Attorney General
R2-8-809. Collection of Overpayments by the Arizona Department of Revenue

ARTICLE 8. RECOVERY OF OVERPAYMENTS

R2-8-803. Reimbursement of Overpayments
A. Upon the ASRS discovering that it has made an overpayment to an Employer, member, survivor, or alternate payee, the ASRS shall send a letter to notify the necessary person that an overpayment was provided and the person shall reimburse the ASRS in the amount of the overpayment.

B. A person, other than Employer, who reimburses the ASRS for an overpayment shall do so by remitting a check or money order, made payable to the ASRS, by the due date specified in the letter providing notice of the overpayment.

C. A person who reimburses the ASRS for an overpayment shall do so by remitting payment through the Employer’s secure ASRS account, or by check or money order made payable to the ASRS, by the due date specified in the letter providing notice of the overpayment.

D. If the ASRS is unable to collect the amount of an overpayment by reducing future payments to Employers, members, survivors, or alternate payees as provided in this Article, the ASRS shall allow the appropriate person to reimburse the ASRS for the amount of the overpayment by making payments over the course of as many months as the number of months in which an overpayment was made by the ASRS, not to exceed 36 months.

E. A person may request to reimburse the amount of the overpayment to the ASRS sooner than provided in this Article.

F. If an Employer, member, survivor, or alternate payee does not repay the amount of an overpayment pursuant to this Article, the ASRS may reduce a Health Insurance Premium Benefit that is paid pursuant to Article 2.

R2-8-808. Collection of Overpayments by the Attorney General
If an Employer, member, survivor, or alternate payee does not reimburse the ASRS for an overpayment pursuant to R2-8-803, the ASRS may submit the overpayment amount for collection by the Arizona Attorney General’s Office.

R2-8-809. Collection of Overpayments by the Arizona Department of Revenue
If an Employer, member, survivor, or alternate payee does not reimburse the ASRS for an overpayment pursuant to R2-8-803, the ASRS may submit the overpayment amount for collection by the Arizona Department of Revenue.
NOTICES OF PROPOSED EXPEDITED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Expedited rulemaking is an accelerated rulemaking process that does not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Other requirements to conduct expedited rulemaking are listed under A.R.S. § 41-1027.

Under A.R.S. § 41-1027(C), the Governor’s Regulatory Review Council also posts Notices of Proposed Expedited Rulemaking on its website and allows any person to provide written comment for at least 30 days after posting the notice.

Questions about the interpretation of expedited rules should be addressed by the agency promulgating the rules. Refer to item 4 to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R21-202]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) | Rulemaking Action
R2-8-701 | Amend
R2-8-704 | Amend
R2-8-706 | Amend
R2-8-707 | Amend

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)(4)
   - Implementing statute: A.R.S. §§ 38-711 et seq.

3. Citations to all related notices published in the Register that pertain to the record of the proposed expedited rules:
   None

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
   - Email: 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 agency needs to amend these rules consistent with its five-year review report that was approved by the Governor’s Regulatory Review Council in May 2021. These amendments will correct minor formatting and grammatical errors. This rulemaking will also clarify the processes for correcting a contributions not withheld error. A.R.S. § 41-1027(A)(7) allows an agency to complete an expedited rulemaking if it “implements, without materials change, a course of action that is proposed in a five-year review report approved by the council.” In its 2021 five-year review report, the ASRS proposed to make these changes and the Council approved that proposed action in May 2021.

6. 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

7. 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

8. The preliminary summary of the economic, small business, and consumer impact:
   Under A.R.S. § 41-1055(D)(2), ASRS is not required to provide an economic, small business, and consumer impact statement.

9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:
   Not applicable
10. **When, where, and how persons may provide written comments on the proposed expedited rules:**

   Close of record: December 31, 2021

   A person may submit written comments on the proposed expedited rules no later than the close of record to the individual listed in item 3.

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 require a permit.

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

      There are no federal laws applicable to these rules.

   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 7. CONTRIBUTIONS NOT WITHHELD**

    Section
    R2-8-701. Definitions
    R2-8-704. Member’s Discovery of Error
    R2-8-706. Determination of Contributions Not Withheld
    R2-8-707. Submission of Payment

    **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 § 218 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, Employer letter or spreadsheet, completed State Personnel Action Request Form, Social Security Earnings Report, employment contract, payroll record, timesheet, or other Employer-provided form that includes:

       a. Whether the employee was covered under the Employer’s 218 Agreement prior to July 24, 2014,
       b. The number of hours the member worked or was Engaged to Work for the Employer per pay period, and
       c. The amount and type of compensation earned by the member within each pay period.

    3. “Eligible service” means employment with an 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 was Engaged to Work for an Employer.

    4. “Engaged to Work” means the same as in R2-8-1001.

    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 Service, the member shall:

    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; and
       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. 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 either correct the information and submit the corrected information to the ASRS through the Employer’s secure ASRS account, along with the information identified in R2-8-703 or cancel the request by notifying the member through ASRS secure messaging the reason the request was canceled.

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 the member believes supports the allegation that 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 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 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 provided by the Employer and the 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, an invoice with the following:
   1. The amount of Eligible Service for which contributions were not withheld,
   2. The dollar amount of the contributions to be paid to the ASRS by the Employer,
   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.

F. The ASRS shall send the member an invoice pursuant to subsection (E) after the Employer has remitted the full amount due to be paid by the Employer.

R2-8-707. Submission of Payment

A. Within 90 days from the date on the statement invoice identified in R2-8-706(E), the Employer shall pay to the ASRS the amount due to be paid by the Employer. An 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 Employer’s amount due within 90 days after the ASRS notifies the Employer of the amount due, the full amount due will accrue interest as provided in A.R.S. § 38-738. The ASRS may collect the unpaid balance plus interest pursuant to A.R.S. § 38-735(C).

B. 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. If the ASRS does not receive full payment of the member’s amount due by the due date specified on the member’s invoice identified in R2-8-706(E), the full amount due will accrue interest, as provided in A.R.S. § 38-738.

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.
### Notices of Final Exempt Rulemaking

This section of the *Arizona Administrative Register* contains Notices of Final Exempt Rulemaking. It is common for an agency to be exempt from some of the steps outlined in the rulemaking process as specified in Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10 otherwise known as the Arizona Administrative Procedure Act (APA). An agency’s exemptions are written in laws - under the APA, or by the Arizona State Legislature in statute, or under a referendum or initiative passed into law by Arizona voters.

The Office makes a distinction publishing certain exempt rulemakings, as provided in these laws, on a case-by-case basis, as determined by an agency’s exemption. Other rule exemption types are published elsewhere in the *Register*.

Notices of Final Exempt Rulemaking were originally proposed with specific conditions, such as requiring the notice to be published in the *Register*, or requiring public input or a public hearing on the rule.

Notices of Final Exempt Rulemaking include *Register* publication dates where the Notice of Proposed Exempt Rulemaking was published.

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### NOTICE OF FINAL EXEMPT RULEMAKING

**TITLE 7. EDUCATION**

**CHAPTER 2. STATE BOARD OF EDUCATION**

[R21-203]

#### PREAMBLE

1. **Article, Part, or Section Affected (as applicable)**
   - R7-2-301  Amend
   - R7-2-302  Amend
   - R7-2-619  Amend

2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**
   - Exemption statute: A.R.S. § 41-1005 (F)

3. **The effective date of the rules and the agency’s reason it selected the effective date:**
   - October 25, 2021
   - The rules are effective October 25, 2021, the date the Board closed rulemaking procedures. The Board’s rulemaking procedures dictate that rules are effective the day they are adopted unless otherwise specified by the Board. The Board did not determine a delay in the effective date was warranted.

4. **A list of all notices published in the *Register* as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:**
   - Not applicable

5. **The agency’s contact person who can answer questions about the rulemaking:**
   - Name: Alicia Williams, Executive Director
   - Address: State Board of Education
   - 1700 W. Washington, Suite 300
   - Phoenix, AZ 85007
   - Telephone: (602) 542-5057
   - Fax: (602) 542-3046
   - Email: inbox@azsbe.az.gov

6. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
   - Laws 2021, Chapter 445, requires the minimum course of study and competency requirements adopted by the State Board of Education to require all health education instruction to include mental health instruction. The Board adopted rules to comply with SB 1376 by modifying the minimum course of study in elementary school and high school to incorporate the statutory language.
   - Regarding the changes to R7-2-619, the Board’s Certification Advisory Committee recommended the Board allow school psychologists to renew their certificate if they possess a Nationally Certified School Psychologist credential, which requires more than the minimum number of hours a certified school psychologist would otherwise need to renew their certificate. This change reduces barriers to certification.

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
   - Not applicable
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
   Not applicable

9. **The summary of the economic, small business and consumer impact, if applicable:**
   The rules are not expected to have significant, if any, economic impact on small businesses.

10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**
    Not applicable

11. **A summary of the comments made regarding the rule and the agency response to them:**
    The Board opened the rulemaking process at its August 27, 2021 meeting. A public hearing was held on September 12, 2021. The Board received an update at the September 27, 2021 meeting and closed rulemaking procedures at the October 25, 2021 meeting. The Board received two public comments in support of the rule regarding the minimum course of study and did not receive any public comments for the rule regarding certification renewal.

12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
    Not applicable

13. **Incorporations by reference and their location in the rules:**
    Not applicable

14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**
    Not applicable

15. **The full text of the rule follows:**

   **TITLE 7. EDUCATION**
   **CHAPTER 2. STATE BOARD OF EDUCATION**

   **ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS**

   Section
   R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools
   R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School

   **ARTICLE 6. CERTIFICATION**

   Section
   R7-2-619. Renewal Requirements

   **ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS**

   R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools
   A. Students shall demonstrate competency as defined by the State Board-adopted academic standards, at the grade levels specified, in the following required subject areas. District and charter school instructional programs shall include an ongoing assessment of student progress toward meeting the competency requirements. These shall include the successful completion of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by district and/or statewide assessments.
   1. English language arts;
   2. Mathematics;
   3. Science;
   4. Social Studies; including:
      a. Civics; and
      b. Instruction on the Holocaust and other genocides at least once in either grade seven or grade eight;
   5. The Arts, which may consist of two or more of the following: visual arts, dance, theatre, music or media arts;
   6. Health/Physical Education, including mental health. Mental health instruction may be included as part of other subject areas and shall comply with A.R.S. § 15-701.02.
   B. The local governing board or charter school may prescribe course of study and competency requirements for promotion that are in addition to or higher than the course of study and competency requirements the State Board of Education prescribes. Additional subjects may be offered by the local governing board or charter school as options and may include, but are not limited to:
   1. Career and Technical Education,
   2. Computer Science,
   3. Educational Technology,
   4. World and Native Languages.
   C. Prior to the issuance of a standard certificate of promotion from the 8th grade, each student shall demonstrate competency, as defined by the local governing board, of the State Board of Education adopted academic standards for grade 8 in the subject areas listed in subsection (A).
   D. Special education and promotion from the 8th grade.
   1. The charter school or local governing board of each school district shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq.
2. Students placed in special education classes in grades K-8 are eligible to receive the standard certificate of promotion without meeting State Board of Education competency requirements.

E. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.

F. Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsection (A) in lieu of classroom time.

R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and, beginning with the graduating class of 2017, receipt of a passing score of 60 correct answers out of one hundred questions on a civics test identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services as prescribed in A.R.S. § 15-701.01(A)(2).

1. Subject area course requirements. The Board establishes 22 credits as the minimum number of credits necessary for high school graduation. Students shall obtain credits for required subject areas as specified in subsections (1)(a) through (e) based on completion of subject area course requirements or competency requirements. At the discretion of the local school district governing board or charter school, credits may be awarded for completion of elective subjects specified in subsection (1)(f) based on completion of subject area course requirements or competency requirements. The awarding of a credit toward the completion of high school graduation requirements shall be based on successful completion of the subject area requirements prescribed by the State Board and local school district governing board or charter school as follows:
   a. Four credits of English or English as a Second Language, which shall include but not be limited to the following: reading American and other world literature, reading informational text, writing, research methods, speaking and listening skills, grammar, and vocabulary.
   b. Three credits in social studies to minimally include the following:
      i. One credit of American history, including Arizona history;
      ii. One credit of world history/geography, to include instruction on the Holocaust and other genocides;
      iii. One-half credit of American government, including civics and Arizona government; and
      iv. One-half credit in economics.
   c. Four credits of mathematics to minimally include:
      i. Three credits containing course content in preparation for proficiency at the high school level on the statewide assessment and aligned to the Arizona Mathematics Standards for Algebra I, Geometry, and Algebra II. These three credits shall be taken beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iii). The requirement for the third credit covering Algebra II, may be met by, but is not limited to the following: a math course comparable to Algebra II course content; computer science, career and technical education and vocational education, economics, science and arts courses as determined by the local school district governing board or charter school.
      ii. A fourth credit that includes significant mathematics content as determined by the local school district governing board or charter school.
   iii. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
   iv. The mathematics requirements may be modified for students using a Personal Curriculum pursuant to R7-2-302.03.
   d. Three credits of science in preparation for proficiency at the high school level on the statewide assessment.
   e. One credit of the Arts or career and technical education and vocational education.
   f. Seven credits of additional courses prescribed by the local school district governing board or charter school.
      i. Health instruction, regardless of the course it is provided in, shall include instruction on mental health;
      ii. Mental health instruction may be included in other courses; and
      iii. All mental health instruction shall comply with A.R.S. § 15-701.02.
   g. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.

2. Credits earned through correspondence courses to meet graduation requirements shall be taken from an accredited institution as defined in R7-2-601. Credits earned thereby shall be limited to four, and only one credit may be earned in each of the following subject areas:
   a. English as described in subsection (1)(a) of this Section,
   b. Social Studies,
   c. Mathematics, and
   d. Science.

3. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.

4. Local school district governing boards or charter schools may grant to career and technical education and vocational education program completers a maximum of 5 ½ credits to be used toward the Board English, mathematics, science, and economics credit requirements for graduation, subject to the following restrictions:
   a. The Board has approved the career and technical education and vocational education program for equivalent credit to be used toward the Board English, mathematics, science, and economics credit requirements for graduation.
   b. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
A certificate may be renewed within six months of its expiration date except that an individual holding multiple valid certificates may renew a certificate at one time in order to align the expiration dates of each certificate. Certificates being aligned shall be renewed at the same time as the certificate that will expire first. Individuals seeking to align certificates shall meet the renewal requirements for each certificate being aligned. Certificates that are renewed or aligned pursuant to this Section shall be valid for 12 years.

**R7-2-619. Renewal Requirements**

A. A certificate may be renewed within six months of its expiration date except that an individual holding multiple valid certificates may renew all certificates at one time in order to align the expiration dates of each certificate. Certificates being aligned shall be renewed at the same time as the certificate that will expire first. Individuals seeking to align certificates shall meet the renewal requirements for each certificate being aligned. Certificates that are renewed or aligned pursuant to this Section shall be valid for 12 years.

B. A certificate may be renewed within one year after it expires. Individuals whose certificates have been expired for more than one year shall reapply for certification under the requirements in effect at the time of reapplication. Nothing in this Section shall imply that an individual may be employed in a position that requires certification after the expiration of the relevant certificate.

C. Renewal of certificates requires the completion of continuing education credits after the most recent issuance or renewal of the certificate, except that continuing education credits completed during the valid term of the certificate that expires first meets the requirements of certificates being aligned. Fifteen hours of continuing education credits are required each year of the certificate term to renew a certificate, which may be accumulated in various increments per year prior to renewal. One hour of continuing education credit shall be equivalent to one clock hour of a professional development activity. Continuing education credits must relate to Arizona academic or professional educator standards or apply toward the attainment of an additional Arizona certificate, endorsement, or approved area, and may include training regarding suicide awareness and prevention; child abuse, human trafficking of children and the sexual abuse of children, including warning signs that a child may be a victim of child abuse, human trafficking, or sexual abuses; screening, intervention, accommodation, use of technology and advocacy for students with reading impairments, including dyslexia; or other competency programs explicitly permitted by state law. Professional development that may be counted toward the required hours of continuing education credit shall consist of any of the following activities:

1. Courses related to education or a subject area taught in Arizona schools, taken from an accredited institution. Each semester hour of courses shall be equivalent to 15 clock hours of professional development. The required documentation shall be an official transcript.

2. Professional activities such as conferences and workshops related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by attendance at professional conferences and workshops. The required documentation shall be a conference agenda and a statement or certificate from the sponsoring organization noting the clock hours earned.

3. District-sponsored or school-sponsored in-services or activities which are specifically designed for professional development. The required documentation shall be written verification from the sponsoring district or school stating the dates of participation and the number of clock hours earned.

4. Internships in business settings. The internship shall be based on an agreement between a business and a district or school with the stated objective of aligning teaching curriculum with workplace skills. A maximum of 80 clock hours may be earned through business internships. The required documentation shall be written verification by the sponsoring business and district or school stating the dates of participation and number of clock hours earned.

5. Educational research. The research shall be sponsored by a research facility or an accredited institution or funded by a grant. The required documentation shall be the published report of the research or verification by the sponsoring agency; and a statement of the dates of participation and the number of clock hours earned.

6. Serving in a leadership role of a professional organization that provides training, activities, or projects related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by serving in a leadership role of a professional organization. The required documentation shall be written verification by the governing body of the professional organization of the dates of service and clock hours earned.
7. Serving on a visitation team for a school accreditation agency. A maximum of 60 clock hours per year may be earned by serving on a visitation team. The required documentation shall be written verification from the accreditation agency of the dates of service and clock hours earned.

D. An individual holding a Standard teaching certificate, a standard administrative certificate, or other professional certificate may renew the certificate for 12 years upon completion of 15 hours of continuing education credits each year of the certificate term which may be accumulated in various increments per year prior to renewal or with one of the following:
   1. A valid professional license as a counselor, social worker, psychologist, or speech pathologist issued by the appropriate state agency in this state or in another state;
   2. A valid certificate issued by the National Board of Professional Teaching Standards; or
   3. A valid Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language Hearing Association; or
   4. A Nationally Certified School Psychologist credential issued by the National Association of School Psychologists.

E. An individual who is employed by a school or school district at the time of renewal shall submit the required documentation of professional development to the district superintendent, director of personnel, or other designated administrator for verification. A certified individual who is not employed by a school or school district at the time of renewal shall submit the required documentation of professional development to a county school superintendent, the dean of a college of education, or the Department for verification. The school or district official, county school superintendent, or the dean of a college of education shall verify on forms provided by the Department the number of hours of professional development completed by the individual during the valid period of the certificate being renewed.

F. The Department shall issue a Standard teaching certificate of the same type.

G. Notwithstanding any other provision in this Section, an individual with a valid fingerprint clearance card who has had a certificate or certificates expire for at least two years but not more than 10 years may renew the expired certificate or certificates and any endorsements or approved areas if the individual had 10 or more years of verified full-time experience in this state in the area the individual is seeking renewed certification and is in good standing. Standard certificates issued to that individual pursuant to this subsection shall be identical to the expired certificate or certificates.
NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening under A.R.S. § 41-1021.

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. An agency may file the Notice of Rulemaking Docket Opening along 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

1. Title and its heading: 2. Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 1, Retirement System
3, Long-Term Disability
Section numbers: R2-8-117 and R2-8-304 (Sections may be added, deleted, or further modified as necessary.)

2. The subject matter of the proposed rule:
The ASRS needs to amend its rules relating to benefit distributions in specific situations. The ASRS is required to disburse benefits by a federally mandated Required Minimum Distribution (RMD) date. The ASRS needs to amend its rules in order to clarify how the ASRS shall disburse benefits in compliance with the RMD date in specific situations involving Long-Term Disability and Return to Work members. Finally, the ASRS needs to make additional clarifying changes to ensure its rules are consistent regarding RMD requirements.

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 27 A.A.R. 2673, November 19, 2021 (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
Email: 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 is 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
STATE RETIREMENT SYSTEM BOARD

1. Title and its heading: 2. Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 1, Retirement System
8, Recovery of Overpayments
11, Transfer of Service Credit
Section numbers: R2-8-104, R2-8-115, R2-8-126, R2-8-128, R2-8-130, R2-8-131, R2-8-801, and 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 its rules relating to Domestic Relations Order (DRO) requirements. The ASRS is required to disburse benefits to alternate payees pursuant to acceptable DROs on file with the ASRS. In particular, the ASRS needs to amend its trans-
fer rules to clarify how and if a member may transfer service credit in or out of the ASRS if the member has a DRO on file with the ASRS. The ASRS also needs to amend its retirement rules to clarify how community property is split with regard to retirement benefits based on a DRO and how a former spouse may renounce a community property assertion with regard to retirement benefits. Finally, the ASRS needs to make additional clarifying changes to ensure its rules are consistent regarding DRO requirements. These rules will increase understandability of how the ASRS uses DROs, but the rules do not impose any additional requirements or burdens on members.

3. **A citation to all published notices relating to the proceeding:**
   Notice of Proposed Rulemaking: 27 A.A.R. 2675, November 19, 2021 (*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
   Email: 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 is 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
STATE RETIREMENT SYSTEM BOARD

1. Title and its heading: 2. Administration
Chapter and its heading: 8. State Retirement System Board
Article and its heading: 8. Recovery of Overpayments
Section numbers: R2-8-803, R2-8-808, and R2-8-809 (Sections may be added, deleted, or further modified as necessary.)

2. The subject matter of the proposed rule:
The ASRS needs to amend its rules relating to Overpayments. The ASRS is required to correct any errors resulting in a member receiving more than the benefits they are eligible to receive pursuant to statute. In particular, the ASRS needs to amend its overpayments rules to clarify how the ASRS may correct an overpayment error related to a health insurance premium benefit and Long-term Disability (LTD) benefits. The ASRS also needs to make additional clarifying changes to ensure its rules are consistent regarding overpayment requirements.

3. A citation to all published notices relating to the proceeding:
Notice of Proposed Rulemaking: 27 A.A.R. 2689, November 19, 2021 (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
Email: 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 is 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 HEALTH SERVICES
HEALTH CARE INSTITUTION FACILITY DATA

1. Title and its heading: 9. Health Services
Chapter and its heading: 11, Department of Health Services - Health Care Institution Facility Data
Article and its heading: 1, Definitions
2, Annual Financial Statements and Uniform Accounting Reports
3, Rates and Charges Schedules
4, Hospital Inpatient Discharge Reporting
5, Emergency Department Discharge Reporting
6, Health Professionals Workforce Database

2. The subject matter of the proposed rules:
Laws 2018, Ch. 293, amended Arizona Revised Statutes (A.R.S.) § 36-104 to require the Arizona Department of Health Services (Department) to adopt rules “prescribing the designated database information to be collected by health professional regulatory boards” pursuant to A.R.S. Title 32, Chapter 32, Article 5. Laws 2019, Ch. 215, added A.R.S. § 36-171 to require the Department to adopt rules to establish and maintain the health care professionals workforce data repository containing the designated database information collected and transferred to the Department pursuant to Title 32, Chapter 32, Article 5. The Department plans to adopt these rules in Arizona Administrative Code (A.A.C.) Title 9, Chapter 11, consistent with recommendations of the Health Care Professionals Workforce Data Repository Advisory Committee.

The rules currently in 9 A.A.C. 11 implement several statutes related to the reporting of data about health care institutions. Article 2 of 9 A.A.C. 11 implements A.R.S. §§ 36-125.04 and 36-2901.08 by providing requirements for hospitals, nursing care institutions, and hospices to follow when submitting annual financial statements or uniform accounting reports to the Department. The rules in 9 A.A.C. 11, Article 3, implement A.R.S. §§ 36-436 through 36-436.03 by providing requirements for submitting schedules of rates and charges or changes to the schedules. The rules in 9 A.A.C. 11, Articles 4 and 5, implement A.R.S. § 36-125.05 by providing requirements for submitting hospital discharge data. The Department has identified several changes to these rules that
would improve the rules, make them more effective, and reduce the burden on reporting health care institutions.

After receiving an exception from the rulemaking moratorium established by Executive Order 2019-01 to adopt rules to comply with Laws 2018, Ch. 293, and Laws 2019, Ch. 215, and approval to add to this rulemaking changes to the other Articles in the Chapter identified in a five-year-review report, the Department is proceeding with the rulemaking. This Notice is to inform the public that the rulemaking is still ongoing. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify other Sections, as necessary.

3. **A citation to all published notices relating to the proceeding:**
   - Notice of Rulemaking Docket Opening: 26 A.A.R. 569, March 27, 2020
   - Notice of Rulemaking Docket Opening: 26 A.A.R. 3058, November 27, 2020

4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**
   - Name: S. Robert Bailey, Bureau Chief
   - Address: Arizona Department of Health Services
     Bureau of Public Health Statistics
     150 N. 18th Ave., Suite 581
     Phoenix, AZ 85007-3248
   - Telephone: (602) 364-3049
   - Fax: (602) 364-0082
   - Email: Steven.Bailey@azdhs.gov
   - or
   - Name: Robert Lane, Office Chief
   - Address: Arizona Department of Health Services
     Office of Administrative Counsel and Rules
     150 N. 18th Ave., Suite 200
     Phoenix, AZ 85007
   - Telephone: (602) 542-1020
   - Fax: (602) 364-1150
   - Email: Robert.Lane@azdhs.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
   - To be announced in the Notice of Proposed Rulemaking

6. **A timetable for agency decisions or other action on the proceeding, if known:**
   - To be announced in the Notice of Proposed Rulemaking

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**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**AIR POLLUTION CONTROL**

[R21-209]

1. **Title and its heading:**
   - 18, Environmental Quality

2. **Chapter and its heading:**
   - 2, Department of Environmental Quality - Air Pollution Control

3. **Article and its heading:**
   - 15, Forest and Range Management Burns

4. **Section numbers:**
   - R18-2-1501 through R18-2-1515 (Sections may be added, deleted, or modified as necessary.)

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

The Arizona Department of Environmental Quality (ADEQ) proposes to update the forest and range management burn rules that regulate prescribed burns and allow for smoke management across the State. See A.A.C. Title 18, Chapter 2, Article 15. Improving and modernizing the forest and range management burn rules - without creating additional regulatory burden - will aid in reducing the major threat of wildfires in Arizona. In addition to improving the rules, ADEQ will be fulfilling its five-year rule review promise to the Governor’s Regulatory Review Council to make improvements to outdated rules.

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

None

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
   - Name: Samantha Schaffer
   - Address: Department of Environmental Quality
     1110 W. Washington St.
     Phoenix, AZ 85007
   - Telephone: (602) 771-2351
   - Email: schaffer.samantha@azdeq.gov

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
   - To be announced in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
   To be announced in the Notice of Proposed Rulemaking.
NOTICES OF PUBLIC INFORMATION

Agencies use Notices of Public Information to notify stakeholders about other information that pertains to rulemaking notices under A.R.S. § 41-1013(B)(14). When required by law, agencies also use this notice to notify the public about information not related to rulemaking.

The most common use for this notice is to correct errors printed in a rulemaking notice or extend a public comment period.

The Administrative Rules Division of the Office does not provide a standard template for Notices of Public Information because the content of this type of notice varies. An agency shall follow the Office’s formatting standards when preparing this notice and use a numbered list of questions and answers. Additionally, an agency receipt shall be filed with a Notice of Public Information.

NOTICE OF PUBLIC INFORMATION

ARIZONA DEPARTMENT OF WATER RESOURCES

1. **Agency Name:** Department of Water Resources

2. **Public information relating to the notice:** Substantive Policy Statement GW28

   GW28 “Interim Service Area Policy”

   This information provides notice that as of November 3, 2021, the Arizona Department of Water Resources withdraws the substantive policy statement entitled “Interim Service Area Policy.” The policy was published February 28, 1991.

3. **The name and address of agency personnel with whom persons may communicate:**

   **Name:** Kelly Brown, Deputy Counsel
   **Address:** Arizona Department of Water Resources
   1110 W. Washington, Suite 310
   Phoenix, AZ 85007
   **Telephone:** (602) 771-8472
   **Email:** kbrown@azwater.gov
NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman under A.R.S. §§ 41-1006(A) and 41-1013(B)(13).

An ombudsman is an agency’s point of contact who assists members of the public or regulated community seeking information or guidance from the agency.

NOTICE OF AGENCY OMBUDSMAN

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

1. The agency name: Arizona Health Care Cost Containment System - Administration

2. The ombudsman’s:
   a. Name: Martha Charanek
   b. Title: Executive Assistant

3. The ombudsman’s office address to include the city, state, and zip code:
   Address: AHCCCS
   801 E. Jefferson St., Office of the Director
   Phoenix, AZ 85034

4. The ombudsman’s area code and telephone number, fax number, and email address, if available:
   Telephone: (602) 417-4410
   Fax: (602) 273-3534
   Email: Martha.Charanek@azahcccs.gov
EXECUTIVE ORDER 2021-02
Moratorium on Rulemaking to Promote Job Creation and Economic Development; Internal Review of Administrative Rules

WHEREAS, government regulations should be as limited as possible; and
WHEREAS, burdensome regulations inhibit job growth and economic development; 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, 2017, 2018, 2019 and 2020; and
WHEREAS, the State of Arizona eliminated or improved 462 burdensome regulations in 2020 and for a total of 2,751 needless regulations eliminated or improved since 2015; and
WHEREAS, estimates show these eliminations saved job creators $14.7 million in operating costs in 2020 and for a total of over $148.9 million in savings since 2015; and
WHEREAS, in 2020, for every one new necessary rule added to the Administrative Code, four have been repealed or improved; and
WHEREAS, COVID-19 has been hard on small businesses and the economy, and administrative barriers should be removed for their sake; 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 to conduct 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 while protecting the health, peace and safety of residents; and
WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; 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:

1. A State agency subject to this Order shall not conduct any rulemaking, including regular, expedited, emergency and exempt, 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 justifications 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 on the public, while achieving the same regulatory objective.
   c. To prevent a significant threat to 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 new 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. After the public comment period and the close of the rulemaking record, a State agency subject to this Order shall not submit the proposed rules to the Governor’s Regulatory Review Council without a written final approval from the Office of the Governor.
Before considering the rules submitted by a State agency, the Governor’s Regulatory Review Council must obtain from the State agency the initial approval, referenced in Section 1, and the final approval from the Office of the Governor.

3. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Governor’s Office at least three existing rules to eliminate for every one additional rule requested by the agency.

4. All State agencies shall conduct a comprehensive review of any rules that were suspended during the Public Health State of Emergency for COVID-19 to determine if those rules should be permanently suspended and send a report on their findings no later than June 1, 2021.

5. 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 the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.

6. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on the landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include “universal recognition” of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.

7. A State agency that issues occupational or professional licenses must track veteran and military spouse status of applicants immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2021.

8. All State agencies that are required to issue occupational or professional licenses by “universal recognition” (established by A.R.S. § 32-4302) must track all applications received for this license type immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2021. Before any agency denies a professional or occupational license applied for under A.R.S. § 32-4302, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action taken by the agency. The Governor’s Office should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.

9. 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.

10. 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 section 41-1001, Arizona Revised Statutes.

11. This Executive Order supersedes Executive Order 2019-01 and Executive Order 2020-02.

IN WITNESS THEREOF, 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 Twenty-One and of the Independence of the United States of America the Year Two Hundred and Forty-Fifth.

ATTEST:
Katie Hobbs
SECRETARY OF STATE
REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**
- **PN** = Proposed new Section
- **PM** = Proposed amended Section
- **PR** = Proposed repealed Section
- **P#** = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**
- **SPN** = Supplemental proposed new Section
- **SPM** = Supplemental proposed amended Section
- **SPR** = Supplemental proposed repealed Section
- **SP#** = Supplemental proposed renumbered Section

**FINAL RULEMAKING**
- **FN** = Final new Section
- **FM** = Final amended Section
- **FR** = Final repealed Section
- **F#** = Final renumbered Section

**SUMMARY RULEMAKING**

**PROPOSED SUMMARY**
- **PSMN** = Proposed Summary new Section
- **PSMM** = Proposed Summary amended Section
- **PSMR** = Proposed Summary repealed Section
- **PSM#** = Proposed Summary renumbered Section

**FINAL SUMMARY**
- **FSMN** = Final Summary new Section
- **FSMM** = Final Summary amended Section
- **FSMR** = Final Summary repealed Section
- **FSM#** = Final Summary renumbered Section

**EXPEDITED RULEMAKING**

**PROPOSED EXPEDITED**
- **PEN** = Proposed Expedited new Section
- **PEM** = Proposed Expedited amended Section
- **PER** = Proposed Expedited repealed Section
- **PE#** = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**
- **SPEN** = Supplemental Proposed Expedited new Section
- **SPEM** = Supplemental Proposed Expedited amended Section
- **SPER** = Supplemental Proposed Expedited repealed Section
- **SP#** = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**
- **FEN** = Final Expedited new Section
- **FEM** = Final Expedited amended Section
- **FER** = Final Expedited repealed Section
- **FE#** = Final Expedited renumbered Section

**EXEMPT RULEMAKING**

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

**EXEMPT PROPOSED**
- **PXN** = Proposed Exempt new Section
- **PXMM** = Proposed Exempt amended Section
- **PXMR** = Proposed Exempt repealed Section
- **PXM#** = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**
- **SPXN** = Supplemental Proposed Exempt new Section
- **SPXMR** = Supplemental Proposed Exempt repealed Section
- **SPXM#** = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULEMAKING**
- **FXN** = Final Exempt new Section
- **FXM** = Final Exempt amended Section
- **FXR** = Final Exempt repealed Section
- **FX#** = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**
- **RC** = Recodified

**REJECTION OF RULES**
- **RJ** = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

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

**CORRECTIONS**
- **C** = Corrections to Published Rules
RULEMAKING ACTIVITY INDEX

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

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- R12-15-404. PEM-1635
- R12-15-811. PEM-1635
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- R12-15-1224. PEM-1635

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Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

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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.

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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
may be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the
Register.

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GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

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

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

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2021/2022

(MEETING DATES ARE SUBJECT TO CHANGE)

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* 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.