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**NOTICES OF RULEMAKING DOCKET OPENING**

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

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

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

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

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

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

[R16-61]

1. **Title and its heading:** 2, Administration  
**Chapter and its heading:** 8, State Retirement System Board  
**Article and its heading:** 2, Health Insurance Premium Benefit  
**Section number:** R2-8-201, R2-8-202, R2-8-203, R2-8-204, R2-8-205, and R2-8-206  
(Sections may be added, deleted, or further modified as necessary.)
2. **The subject matter of the proposed rule:**  
The ASRS needs to adopt approximately six rules to clarify various aspects of the health insurance premium benefit, including the following:
  - Definitions relating to the health insurance premium benefit;
  - Eligibility for the health insurance premium benefit;
  - Calculation and supporting documentation for the health insurance premium benefit;
  - Payment of the health insurance premium benefit;
  - The 6-Month Reimbursement Program for the health insurance premium benefit; and
  - The optional health insurance premium benefit

In addition to other processes, the ASRS needs to clarify in rule who is eligible for the health insurance premium benefit and how the benefit is calculated in specific situations. This rulemaking will clarify how the ASRS remits the health insurance premium benefit, including the Six-Month reimbursement program. Also, this rulemaking will explain the optional health insurance premium benefit, including how a retiree may elect the optional health insurance premium benefit and name a beneficiary for that election. These new rules will ensure that members and their survivors are aware of how their costs for health insurance may be affected upon retirement based on the health insurance premium benefit and optional health insurance premium benefit; the rules will reflect the types and amounts of health insurance premium benefits that the ASRS will pay on behalf of a retired member who meets certain criteria.
3. **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 rulemaking:**  
Name: Jessica A. Ross, Rule Writer  
Address: Arizona State Retirement System  
3300 N. Central Ave., Suite 1400  
Phoenix, AZ 85012-0250  
Telephone: (602) 240-2039  
E-Mail: JessicaR@azasrs.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined.



## NOTICE OF RULEMAKING DOCKET OPENING

## STATE RETIREMENT SYSTEM

[R16-62]

1. **Title and its heading:** 2, Administration  
**Chapter and its heading:** 8, State Retirement System Board  
**Article and its heading:** 3, Long-Term Disability  
**Section number:** R2-8-301, R2-8-302, R2-8-303, R2-8-304, and R2-8-305  
*(Sections may be added, deleted, or further modified as necessary.)*
2. **The subject matter of the proposed rule:**  
 The ASRS needs to adopt approximately five rules to clarify various aspects of the Long-Term Disability (LTD) program, including the following:
  - Definitions relating to the LTD program;
  - The LTD benefit calculation and applicable reductions;
  - The appeal of a social security disability application that has been denied or terminated;
  - Calculating and collecting the estimated Social Security disability repayment; and
  - Revising and refunding the estimated Social Security disability repayment

In addition to other processes, the ASRS needs to clarify in rule how the ASRS will provide for LTD benefit adjustments in specific situations, such as when survivor benefits are involved. This rulemaking will clarify how the ASRS calculates LTD benefits, including statutory reductions, and Social Security disability repayments to the ASRS. Also, it will explain how a member or survivor may request a revised Social Security disability amount if the member or survivor believes an error has occurred. These new rules will ensure that members and their survivors are aware of how their benefits may be affected, including how the ASRS may reduce or retain their retirement or survivor benefit disbursements based on the estimated Social Security disability amount that the ASRS paid to the member as an LTD benefit; the rules will reflect that a member or survivor cannot avoid ASRS collection of the estimated Social Security disability repayment amount.
3. **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 rulemaking:**  
 Name: Jessica A. Ross, Rule Writer  
 Address: Arizona State Retirement System  
 3300 N. Central Ave., Suite 1400  
 Phoenix, AZ 85012-0250  
 Telephone: (602) 240-2039  
 E-Mail: JessicaR@azasrs.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
 The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
 To be determined.

## NOTICE OF RULEMAKING DOCKET OPENING

## STATE BOARD FOR CHARTER SCHOOLS

[R16-53]

1. **Title and its heading:** 7, Education  
**Chapter and its heading:** 5, State Board for Charter Schools  
**Article and its heading:** 1, General Provisions  
 2, New Charters  
 3, Charter Oversight



4, Amendment to a Charter  
5, Audits and Audit Contracts

**Section numbers:**

R7-5-101, R7-5-201 through R7-5-207, R7-5-301 through R7-5-304, R7-5-401, and R7-5-501 through R7-5-504 (*Additional Sections may be made, amended, or repealed as needed.*)

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

The Board is amending its rules to make them consistent with legislative changes made in 2012 and 2013, and to make changes identified as needed in recent five-year-review reports. Additionally, the Board intends to place in rule Board guidance regarding performance, financial, and operational standards, measures of sufficient progress, and Board monitoring and oversight of charter holders. An exemption to Executive Order 2015-01 was provided by Dawn Wallace, Education Policy Advisor in the Office of the Arizona Governor, in an e-mail dated January 6, 2016.

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

None

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

Name: Whitney Chapa, Executive Director  
Address: 1616 W. Adams St., Suite 170  
Phoenix, AZ 85007  
Telephone: (602) 364-3080  
Fax number: (602) 364-3089  
E-mail: Whitney.chapa@asbcs.az.gov  
Web site: www.asbcs.az.gov

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

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING****ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**

[R16-56]

**1. Title and its heading:**

9, Health Services

**Chapter and its heading:**

30, Arizona Health Care Cost Containment System - Medicare Part D Prescription Coverage Extra Help Subsidy Program

**Article and its heading:**

2, Eligibility  
4, Grievance System

**Section numbers:**

R9-30-201, R9-30-202, R9-30-203, R9-30-204, R9-30-205, R9-30-206, R9-30-207, R9-30-208, R9-30-209, R9-30-210, R9-30-211, R9-30-212, R9-30-213, R9-30-214, R9-30-215, R9-30-216, R9-30-218, Article 4, R9-30-401, R9-30-402  
(*As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.*)

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

The proposed rulemaking will amend and clarify rules to ensure consistency with federal requirements. In part, the rules will be revised to specify that “in kind support” and “maintenance” are not counted as part of the income calculation for purposes of eligibility determination. The current rules will also be amended to state that the value of any life insurance policy is not counted as part of the resource calculation. These provisions are necessary to comply with federal eligibility requirements. Consolidation of rules containing the same subject matter for conciseness, better organization, and improved understanding will be proposed. Technical changes such as cross-reference updates and general clarifying changes will be made along with removal of antiquated language.

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

Notice of Proposed Rulemaking: 22 A.A.R. 805, April 15, 2016 (*in this issue*).

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

Name: Mariaelena Ugarte



Address: AHCCCS  
Office of Administrative Legal Services  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034

Telephone: (602) 417-4693

Fax: (602) 253-9115

E-mail: AHCCCSrules@azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.

## NOTICE OF RULEMAKING DOCKET OPENING

### GAME AND FISH COMMISSION

[R16-63]

- 1. Title and its heading:** 12, Natural Resources
- Chapter and its heading:** 4, Game and Fish Commission
- Article and its heading:** 7, Heritage Grants
- Section numbers:** R12-4-701, R12-4-702, R12-4-703, R12-4-704, R12-4-705, R12-4-706, R12-4-707, and R12-4-708 (*As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary*)
- 2. The subject matter of the proposed rule:**

An exemption from Executive Order 2016-03 was provided for this rulemaking by Hunter Moore, Natural Resource Policy Advisor in the Governor's office, in an e-mail dated March 28, 2016.

The Commission proposes to amend Article 7 rules to implement recommendations identified in the Article 7 Five-year Review Report. Amendments are proposed to reduce the burden and costs to persons regulated by the rule and incorporate the requirements established under R12-4-702, R12-4-703, R12-4-704, R12-4-705, R12-4-706, and R12-4-707 into one over-arching rule to streamline the rule and provide those requirements in chronological order for ease of understanding.
- 3. A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 22 A.A.R. 810 April 15, 2016 (*in this issue*).
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Marty Herrera, Heritage Fund Administrator

Address: Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, AZ 85086

Telephone: (623) 236-7527

Fax: (623) 236-7110

E-mail: MHerrera@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at [http://www.azgfd.gov/inside\\_azgfd/rules/rulemaking\\_updates.shtml](http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml).
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Commission will accept comments Monday through Friday from 8:00 a.m. until 5:00 p.m. at the address listed under 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.