

- 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 FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R22-122]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R2-8-803 | Amend |
| R2-8-808 | Amend |
| R2-8-809 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 38-714(E)(4)
 Implementing statute: A.R.S. §§ 38-711 et seq.
- 3. The effective date for the rules:**
 July 17, 2022
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Rulemaking Docket Opening: 27 A.A.R. 2701, November 19, 2021
 Notice of Proposed Rulemaking: 27 A.A.R. 2689, November 19, 2021
- 5. 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: Ruleswriter@azasrs.gov
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
 The ASRS needs to 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.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 No study was reviewed.
- 8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
 Not applicable
- 9. A summary of the economic, small business, and consumer impact:**
 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 may recover an overpayment.

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

None

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

The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on December 20, 2021.

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

None

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

The rules do not require a permit.

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

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 of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

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

No materials are incorporated by reference.

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

Not applicable

15. The full text of the rules follows:

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

ARTICLE 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 ~~a~~ 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.** An Employer that 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, a member, survivor, or alternate payee does not reimburse the ASRS for an overpayment pursuant to ~~R2-8-802~~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, a member, survivor, or alternate payee does not reimburse the ASRS for an overpayment pursuant to ~~R2-8-802~~R2-8-803, the ASRS may submit the overpayment amount for collection by the Arizona Department of Revenue.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 6. DEPARTMENT OF TRANSPORTATION OVERSIZE AND OVERWEIGHT SPECIAL PERMITS

[R22-105]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R17-6-101	Amend
R17-6-102	Amend
Table 1	Amend
R17-6-103	Amend
R17-6-104	Amend
R17-6-105	Amend
R17-6-106	Amend
R17-6-107	Amend
R17-6-108	Amend
R17-6-109	Amend
R17-6-112	Amend
R17-6-113	Amend
R17-6-201	Amend
R17-6-202	Repeal
R17-6-203	Amend
R17-6-204	Renumber
R17-6-205	Amend
R17-6-206	Amend
Table 2	Amend
R17-6-207	New Section
R17-6-208	Repeal
R17-6-209	Amend
R17-6-210	Renumber
R17-6-210	Amend
Table 5	Renumber
R17-6-211	Repeal
R17-6-211	Renumber
R17-6-211	Amend
R17-6-212	Amend
Table 6	Repeal
Table 7	Repeal
R17-6-302	Amend
III. 1	Amend
R17-6-303	Amend
R17-6-304	Amend
III. 4	Amend
R17-6-305	Amend
R17-6-306	Amend
R17-6-307	Amend
R17-6-401	Amend
R17-6-402	Repeal
R17-6-402	Renumber
R17-6-402	Amend
R17-6-403	Renumber
R17-6-403	Amend
R17-6-404	Amend
R17-6-405	Repeal
R17-6-405	Renumber