



**NOTICES OF PROPOSED RULEMAKING**

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

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 the 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 8. EMERGENCY AND MILITARY AFFAIRS**

**CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS  
DIVISION OF EMERGENCY MANAGEMENT**

[R15-71]

**PREAMBLE**

- |   |                                 |
|---|---------------------------------|
| <b>1. <u>Article, Part, or Section Affected (as applicable)</u></b> | <b><u>Rulemaking Action</u></b> |
| R8-2-101  | Amend                           |
| R8-2-102  | Amend                           |
| R8-2-103  | Amend                           |
| R8-2-104  | Amend                           |
| R8-2-105  | 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. §§ 26-306(A)(3), 26-306(A)(8), 35-192(D), 35-192(C)(4)  
 Implementing statute: A.R.S. § 35-192(G)
- 3. Citations to all related notices published in the Register as specified in R1-1409 (A) that pertain to the record of the proposed rules:**  
 Notice of Docket Opening: 27 A.A.R. 1198, July 24, 2015 (*in this issue*).
- 4. The agency’s contact person who can answer questions about the rulemaking:**  
 Name: Travis Schulte, Legislative Liaison  
 Address: Department of Emergency and Military Affairs  
 5636 E. McDowell Rd.  
 Phoenix, AZ 85008  
 Telephone: (602) 267-2732  
 Fax: (602) 267-2549  
 E-mail: travis.schulte@azdema.gov  
 Website: www.dema.az.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 purpose is to make simple technical and conforming changes that update the Arizona Administrative Code to reflect current and future practices. These updates have been requested by Arizona’s County Sheriffs, who are statutorily responsible for performing search and rescue activities and request reimbursement for allowable liabilities and expenses from an allocation of the Governor’s Emergency Fund.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor’s office, in an e-mail dated May 27, 2015.



6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not review or rely on any study relevant to the rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

The agency anticipates the rule changes will have little to no economic impact. The rule changes simply update terms and procedures to reflect current practices.

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

Name: Anthony Cox, Assistant Deputy Director
Address: Arizona Division of Emergency Management
Operations & Coordination Section
5636 E. McDowell Rd.
Phoenix, AZ 85008
Telephone: (602) 464-6242
Fax: (602) 464-6501
E-mail: anthony.cox@azdema.gov
Website: www.dema.az.gov

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

Written comments will be received at the address listed in item 9 for 30 days after the Notice of Proposed Rulemaking is published in the Register. An oral proceeding will be scheduled if one is requested; otherwise, the record will be closed at the end of the 30-day period after publication in the Register. Should a request for an oral proceeding be received, notice of that proceeding will be published in a future edition of the Register.

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:

The rules do not require issuance of a regulatory permit or license.

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:

No federal law is applicable.

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.

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

These rules contain no material incorporated by reference.

13. The full text of the rule follows:

TITLE 8. EMERGENCY AND MILITARY AFFAIRS

CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

ARTICLE 1. SEARCH ~~OR~~ AND RESCUE

- Section
R8-2-101. Definitions
R8-2-102. Support of Search ~~or~~ and Rescue Operations
R8-2-103. Reimbursement to County Governments
R8-2-104. Reimbursement to a Department or Agency of the State
R8-2-105. Claimant Procedures and Supporting Documentation

ARTICLE 1. SEARCH ~~OR~~ AND RESCUE**R8-2-101. Definitions**

In this Article, for purposes of these rules, and unless the text requires otherwise:

1. “Claim” means documentation of eligible expenses associated with the conduct of a search and rescue mission.
- ~~2.~~ “Claimant” means a department of the state or a political subdivision eligible to receive state reimbursement for search or rescue operations.
- ~~3.~~ “Emergency Operations Center for Search ~~or~~ and Rescue” means the State Emergency Operations Center provides coordination, communications, ~~technical~~, administrative and support assistance. The center is located in the offices of the State Division of Emergency ~~Services~~ Management.
- ~~4.~~ “Mission” means any action required to accomplish that portion of Title 26, Arizona Revised Statutes, relating to the preparation for and conduct of search ~~or~~ and rescue operations.
- ~~5.~~ “Mission coordinator” means the county sheriff, or sheriff’s designee, excluding federal reservations, where agreements are nonexistent.
- ~~6.~~ “Mission identifier” means a number assigned by the State Division of Emergency ~~Services~~ Management to identify a search ~~or~~ and rescue mission.
- ~~7.~~ “On-scene coordinator” means the individual SAR Coordinator ~~or team chief~~ designated by the sheriff as the on-scene person in charge of a particular search ~~or~~ and rescue mission.
- ~~8.~~ “Political subdivision” means, within the context of this Article, a county government sheriff.
- ~~9.~~ “Recovery” means to relocate, under direction of ~~competent~~ the statutory authority, a deceased person from the site of his demise to an appropriate location.
- ~~10.~~ “Reimbursement” means the payment of state funds in accordance with A.R.S. § 35-192.01(A) and (B).
- ~~11.~~ “Rescue” means to render aid, under the direction of ~~competent authority~~ the county sheriff, to persons whose life or health is threatened by circumstances beyond their control and return them to a place of safety.
- ~~12.~~ “Search” means to seek out and locate, by the use of air, surface, and/or subsurface equipment and qualified registered personnel, live persons known or thought to be, by ~~competent authority~~ the county sheriff, in a distress situation and unable to reach a place of safety by their own efforts.

**R8-2-102. Support of Search ~~or~~ and Rescue Operations**

- A. The Director of the Division of Emergency ~~Services~~ Management, in accordance with A.R.S. Title 26, is responsible for supporting search or rescue operations of the state, coordinating the use of state resources or the resources of one or more political subdivisions in support of any other political subdivision in the conduct of search ~~or~~ and rescue operations and for providing the services of a state search or rescue coordinator.
- B. The Division of Emergency ~~Services~~ Management shall coordinate activities to include the following:
  1. Mission identifiers for search ~~or~~ and rescue operations.
    - a. ~~To obtain a mission identifier during business hours, contact the State Division of Emergency Services by telephone.~~ Authorized county sheriff search and rescue coordinators may obtain Mission Numbers through the Division of Emergency Management’s SAR data collection system.
    - b. ~~On weekends, holidays or other than normal business hours, contact the headquarters of the Department of Public Safety by telephone. The name and telephone number of the caller will be relayed to personnel of the Division of Emergency Services who will assist the caller.~~
  2. State government personnel and/or equipment, including the Arizona National Guard.
  3. United States military personnel and/or equipment.
  4. Resources not readily available locally.
  5. Resources to support responsible authorities on federal reservations.
  6. Specialized personnel and/or equipment from other states.
  7. ~~A state government search or rescue coordinator to assist the on-scene coordinator.~~
  - ~~8.~~ Reimbursement of eligible claims.
  - ~~9.~~ Prescribing forms and/or procedures for acquiring mission identifiers, reporting search or rescue mission activities, claiming reimbursement of eligible expenses and similar administrative matters.

**R8-2-103. Reimbursement to County Governments**

- A. Reimbursement to county governments from the Governor’s Emergency Fund is authorized for eligible expenses incurred during the conduct of search or rescue operations. A search ~~or~~ and rescue mission, in order to qualify for reimbursement must fall within the purview of A.R.S. § 35-192(C). Claims should be submitted within ~~24~~ 60 calendar days after the close or suspension of the mission. Eligible and ineligible expenses are itemized below:
  1. Eligible:
    - a. Salaries or contracts for the services of specialized personnel, provided that prior approval has been obtained from the Director, Division of Emergency ~~Services~~ Management.
    - b. Overtime pay for eligible government employees. The claimant’s overtime policy must be adhered to when submitting for overtime.
    - c. ~~Telephone or telegraph charges and data charges~~ directly related to search or rescue missions.



- d. Reimbursement of recovery expenses should the subject of an eligible search ~~or~~ and rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency ~~Services~~ Management.
- e. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search ~~or~~ and rescue mission.
- f. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. The prior approval of the Director, Division of Emergency ~~Services~~ Management is required.
- g. Actual costs of fuel or lubricants paid by a county government for the operation of vehicles, equipment, or aircraft.
- h. Repairs to surface/subsurface vehicles and equipment damaged during search ~~or~~ and rescue missions. Costs are limited to the restoration of the immediate pre-mission condition.
- i. Reimbursements will be made only for equipment specifically required for the conduct of the search and rescue mission.

2. Ineligible:

- a. Regular salaries or wages of government employees,
- b. Salaries or wages of elected or appointed officials and employees ineligible for overtime pay,
- c. Office supplies and equipment,
- d. Rental of administrative office space,
- e. Purchase of equipment or facilities,
- f. Cost of items of personal wearing apparel,
- g. Firearms.

B. The eligibility of other expenses shall be determined by the Director, Division of Emergency ~~Services~~ Management, within the scope of this guidance, on a case-by-case basis.

**R8-2-104. Reimbursement to a Department or Agency of the State**

A. Expenses incurred, resulting from participation in search ~~or~~ and rescue missions, shall be borne initially by the state department or agency. Reimbursement shall be governed by A.R.S. § 35-192.01(B). Claims should be submitted within ~~21~~ 60 calendar days after the close or suspension of a mission. Eligible and ineligible expenses are itemized below:

1. Eligible:

- a. Salaries or wages of ~~extra~~ employees directly engaged in search or rescue work.
- b. Salaries or wages of regular employees who are diverted from their normal duties to engage in search or rescue work.
- c. Overtime pay for eligible regular employees.
- d. Communications charges directly related to search or rescue operations.
- e. Travel directly related to search or rescue operations.
- f. Reimbursement of recovery expenses should the subject of an eligible search ~~or~~ and rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency ~~Services~~ Management.
- g. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search ~~or~~ and rescue mission.
- h. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. Sole source providers will be considered. The prior approval of the Director, Division of emergency ~~Services~~ Management is required.
- i. Actual cost of fuel or lubricants paid by a state department or agency for the operation of vehicles, equipment or aircraft.
- j. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue mission. Costs are limited to the restoration of the immediate ~~premission~~ pre-mission condition.
- k. Reimbursements will be made only for equipment specifically required for the conduct of the search and rescue mission.

2. Ineligible:

- a. Salaries or wages of elected or appointed officials ~~and employees ineligible for overtime pay,~~
- b. Office supplies and equipment,
- c. Rental of administrative office space,
- d. Costs of items of personal apparel,
- e. Firearms.

B. The eligibility of other expenses shall be determined by the director, Division of Emergency ~~Services~~ Management, within the scope of this guidance, on a case-by-case basis.

**R8-2-105. Claimant Procedures and Supporting Documentation**

A. Claims for reimbursement require certification by competent authority. Certification must include:

- 1. The name of the agency.



2. The date of the claim and the search ~~or~~ and rescue mission identifier.
  3. The name of each payee and the date the claimant paid each.
  4. The item or service for which each payee received payment.
  5. The amount paid each payee.
  6. A statement that the documents supporting the claim are available in the claimant agency for review by the State Auditor General and/or the auditor from the Division of ~~emergency Services~~ Emergency Management.
  7. The signature of the individual authorized to file claims for the claimant agency.
- B.** The amounts claimed for reimbursement from the Governor's Emergency Fund must be based on eligible expenditures for a search ~~or~~ and rescue mission to which a mission identifier has been assigned.
- C.** Appropriate documents, as prescribed by the Director, Division of Emergency ~~Services~~ Management, supporting each claim must be retained by the claimant pending audit by the State Auditor General and/or the Division of Emergency ~~Services~~ Management Auditor. These documents shall be retained following the reimbursement of a claim in accordance with retention schedules established by the Arizona State Library, Archives and Public Records pursuant to A.R.S. § 41-151 et seq.