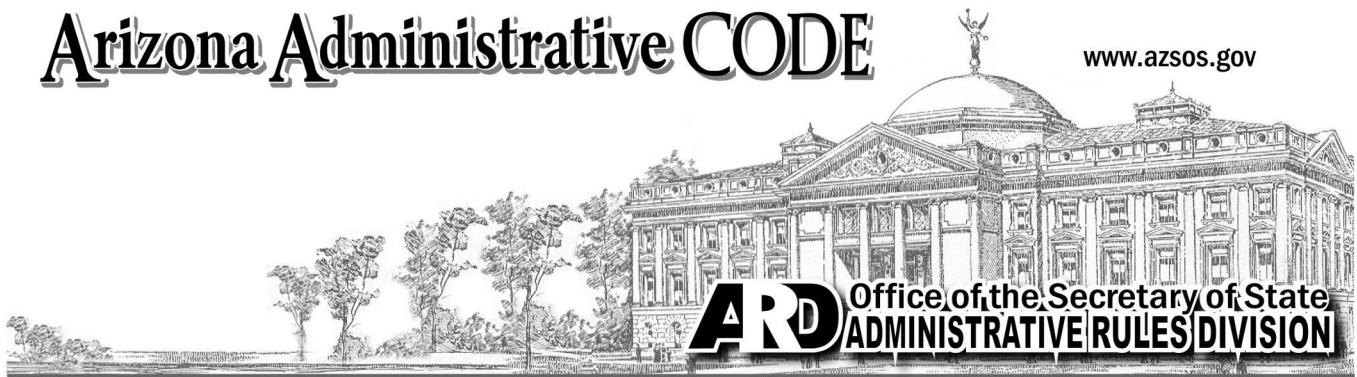




8 A.A.C. 2

Supp. 22-4

TITLE 8. EMERGENCY AND MILITARY AFFAIRS

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

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Questions about these rules? Contact:

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The release of this Chapter in Supp. 22-4 replaces Supp. 21-3, 1-11 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division

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TITLE 8. EMERGENCY AND MILITARY AFFAIRS**CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS -
DIVISION OF EMERGENCY MANAGEMENT**

Authority: A.R.S. §§ 26-306(A)(3), 26-306(A)(8), 35-192(C), 35-192(D)(4)

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

ARTICLE 1. SEARCH 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 and Rescue" means the State Emergency Operations Center provides coordination, communications, administrative and support assistance. The center is located in the offices of the State Division of Emergency 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 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 Management to identify a search and rescue mission.
7. "On-scene coordinator" means the individual Search and Rescue (SAR) Coordinator designated by the sheriff as the on-scene person in charge of a particular search and rescue mission.
8. "Political subdivision" means, within the context of this Article, a county sheriff.
9. "Recovery" means to relocate, under direction of 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 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 the county sheriff, in a distress situation and unable to reach a place of safety by their own efforts.

Historical Note

Former Rule Part 3; Amended effective July 18, 1977 (Supp. 77-4). Amended paragraphs (1), (3) and (8) effective June 30, 1986 (Supp. 86-3). Editorial correction, paragraph (2) (Supp. 88-4). Former R8-2-01 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4).

R8-2-102. Support of Search and Rescue Operations

- A. The Director of the Division of Emergency 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 and rescue operations and for providing the services of a state search or rescue coordinator.
- B. The Division of Emergency Management shall coordinate activities to include the following:

1. Mission identifiers for search and rescue operations. Authorized county sheriff search and rescue coordinators may obtain Mission Numbers through the Division of Emergency Management's Search and Rescue (SAR) data collection system.
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. Reimbursement of eligible claims.
8. Prescribing forms and/or procedures for acquiring mission identifiers, reporting search or rescue mission activities, claiming reimbursement of eligible expenses and similar administrative matters.

Historical Note

Former Rule Part 4A Attachment B; Former Rule Part 4 Attachment C; Former Rule Part 4 Attachment D; Amended effective June 30, 1986 (Supp. 86-3). Former R8-2-02 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4).

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 and rescue operations. A search and rescue mission, in order to qualify for reimbursement, must fall within the purview of A.R.S. § 35-192(C). Claims shall be submitted within 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 Management.
 - b. Overtime pay for eligible government employees. The claimant's overtime policy must be adhered to when submitting for overtime.
 - c. Telephone and data charges directly related to search or rescue missions.
 - d. Reimbursement of recovery expenses should the subject of an eligible search 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 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 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 Management is required.
 - g. Actual costs of fuel or lubricants paid by a county government for the operation of vehicles, equipment, or aircraft.

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- h. Repairs to surface/subsurface vehicles and equipment damaged during search 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 Management, within the scope of this guidance, on a case-by-case basis.

Historical Note

Former Rule Part 5; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-03 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4). Amended by final exempt rulemaking at 29 A.A.R. 235 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

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

- A. Expenses incurred, resulting from participation in search 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 shall be submitted within 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 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 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 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 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 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 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,
 - 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 Management, within the scope of this guidance, on a case-by-case basis.

Historical Note

Former Rule Part 6; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-04 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4). Amended by final exempt rulemaking at 29 A.A.R. 235 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

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 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 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 and rescue mission to which a mission identifier has been assigned.
- C. Appropriate documents, as prescribed by the Director, Division of Emergency Management, supporting each claim must be retained by the claimant pending audit by the State Auditor General and/or the Division of Emergency 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.*

Historical Note

Former Rule Part 7 Attachment F; Amended effective July 18, 1977 (Supp. 77-4). Amended effective June 30, 1986 (Supp. 86-3). Former R8-2-05 amended and renumbered effective March 7, 1990 (Supp. 90-1). Amended by

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final rulemaking at 21 A.A.R. 3021, effective January 11, 2016 (Supp. 15-4).

R8-2-106. Repealed**Historical Note**

Former Rule Part 8; Amended subsection (A) effective June 30, 1986 (Supp. 86-3). Repealed effective March 7, 1990 (Supp. 90-1).

R8-2-107. Repealed**Historical Note**

Former Rule Part 2. Repealed effective March 7, 1990 (Supp. 90-1).

ARTICLE 2. REPEALED

Article 2, consisting of Sections R8-2-18 through R8-2-22, repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2002 now the permanent effective date (Supp. 02-2).

R8-2-18. Repealed**Historical Note**

Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-19. Repealed**Historical Note**

Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-20. Repealed**Historical Note**

Former Rule Part 3; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-21. Repealed**Historical Note**

Former Rules Section 4.06-1, Section 4.06-2, Section 4.07 and Part 4; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-22. Repealed**Historical Note**

Former Rule Part 5; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

ARTICLE 3. GOVERNOR'S EMERGENCY FUND**R8-2-33. Repealed****Historical Note**

Former Rules 1 and 2; Former Section R8-2-33 repealed, new Section R8-2-33 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-34. Repealed**Historical Note**

Former Rules 2a and 2b; Former Section R8-2-34 repealed, new Section R8-2-34 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-35. Repealed**Historical Note**

Former Rules 3, 4, 5 and 6; Former Section R8-2-35 repealed, new Section R8-2-35 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-36. Repealed**Historical Note**

Former Rule 7; Former Section R8-2-36 repealed, new Section R8-2-36 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-37. Repealed**Historical Note**

Former Section R8-2-37 repealed, new Section R8-2-37 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-38. Repealed**Historical Note**

Former Sections A1, A2, B1, B2, C1, C2, D, E Attachment; Former Section R8-2-38 repealed, new Section R8-2-38 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-39. Repealed**Historical Note**

R8-2-39 and Attachments 1 and 2 adopted effective June 11, 1980 (Supp. 80-3). R8-2-39 and Attachments 1 and 2 repealed effective September 18, 1996 (Supp. 96-3).

R8-2-301. Definitions

In addition to the definitions provided in A.R.S. § 26-301, the following definitions apply to this Article, unless specified otherwise:

1. "Adjutant General" means the head of the Arizona Department of Emergency and Military Affairs pursuant to A.R.S. §§ 26-101(C) and 26-102(A) and (C), of which the Division of Emergency Management is a component.
2. "Administrative Costs" means costs incurred in administering funds from the Governor's Emergency Fund in accordance with this article as authorized by A.R.S. § 35-192 et seq. Examples include: establishing Project files, providing copies of documentation, collecting cost data and developing cost estimates, working with the State during Project monitoring, final inspection, audits and audit preparation.

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3. "Applicant" means any State Agency or Political Subdivision of the State that requests assistance from the State for a State-Level Emergency.
4. "Applicant Agreement" means a written agreement between the Applicant and the Division setting forth the terms under which the Division may provide assistance to the Applicant.
5. "Applicant's Authorized Representative" means the person authorized by the governing body of an Applicant to request Governor's Emergency Funds, time extensions, and attend to other recovery matters related to a specific Declaration.
6. "Application for Assistance" means a written request by an Applicant to the Director to have the Governor declare a State-Level Emergency.
7. "Budgeted Employees" means employees of the Applicant holding positions, the wages and benefits for which were included in the Applicant's last annual budget adopted by Applicant prior to the Incident in question.
8. "County" means the county or counties where a State-Level Emergency is located.
9. "Damage" means:
 - a. Physical damage to Facility or Facilities resulting from an Incident that results in a Declaration, and
 - b. Also includes temporary or emergency protective measures taken in anticipation of, or in response to, an Incident that results in a Declaration.
10. "Declaration" means the document in which the Governor declares that a State-Level Emergency exists pursuant to A.R.S. § 35-192(A) and authorizes an expenditure from the Governor's Emergency Fund.
11. "Department" means the Arizona Department of Emergency and Military Affairs, of which the Division of Emergency Management is a component.
12. "Director" means the Director of the Division of Emergency Management within the Arizona Department of Emergency and Military Affairs.
13. "Division" means the Division of Emergency Management within the Arizona Department of Emergency and Military Affairs.
14. "Eligible Cost" means the cost must be reasonable and necessary, as determined by the Division, and allowed under A.A.C. R8-2-313.
15. "Eligible Work" means:
 - a. As determined by the Division, reasonable and necessary actions taken and work performed for temporary and emergency purposes, or for permanent purposes, by an Applicant in response to and for recovery from a State-Level Emergency that are consistent with the intent and purposes set forth in A.R.S. § 35-192 and A.A.C. Title 8, Chapter 2, Article 3, or
 - b. Hazard Mitigation.
16. "Emergency Resolution" means a document by which the governing body of a Political Subdivision declares an emergency.
17. "Facility" means any building, works, system or equipment, built or manufactured, or an improved and maintained natural feature. Land used for agricultural purposes is not a Facility.
18. "Governor's Emergency Fund" means the portion of the general fund available to pay Eligible Costs.
19. "Hazard Mitigation" means a sustained action taken to reduce or eliminate long-term risk to people and property from natural hazards and their effects.
20. "Improved Project" means work done on a Facility beyond that required to return the Facility to the condition it was before the State-Level Emergency in question, except for:
 - a. Work necessary to bring the Facility into compliance with current codes and standards as defined by regulatory codes and other requirements applicable at the Project's location, regardless of whether the Applicant is otherwise exempt from such regulatory codes or other requirements, and
 - b. Hazard Mitigation.
21. "Incident" means an event described in A.R.S. § 35-192(B).
22. "Incident Period" means the time interval of a State-Level Emergency during which the Damage caused by the Incident in question actually occurs, as determined by and stated in the Governor's Declaration.
23. "Kick-Off Meeting" means an Applicant's first post-Incident, in-person or electronic meeting with the Division that addresses the specific needs of the specific Applicant, and in which the Division and the specific Applicant are participants.
24. "Non-Budgeted Employees" means employees of the Applicant:
 - a. Holding positions not included in the Applicant's last annual budget adopted by Applicant prior to the Incident in question;
 - b. Any permanent employees funded in whole or in part from an external source;
 - c. Temporary employees hired to perform Eligible Work; and
 - d. Seasonal employees working outside their normal season of employment.
25. "Political Subdivision" means any county, incorporated city or town, or a school district, community college district, or other tax levying public district.
26. "Project" means Eligible Work requested by the Applicant to be funded in whole or part by the Governor's Emergency Fund.
27. "Project Worksheet" means a written document prepared by or for an Applicant defining the Eligible Work to be done on a damaged Facility that the Applicant seeks to have funded in whole or part by the Governor's Emergency Fund. A Project Worksheet must be approved and executed by the Division to be eligible for Reimbursement.
28. "Reimburse," "Reimbursement," and "Reimbursable" refer to the payment of State funds from the Governor's Emergency Fund in accordance with A.R.S. § 35-192 and A.A.C. Title 8, Chapter 2, Article 3.
29. "Scope of Work" means the Eligible Work to be performed, as documented in a Project Worksheet formally approved by the Division.
30. "State" means the State of Arizona.
31. "State Agency" means any department, commission, board, agency, or division of the State, including the Department of Emergency and Military Affairs.
32. "State-Level Emergency" means any occasion or instance for which, in the determination of the Governor, State assistance is needed to supplement State Agencies' and Political Subdivisions' efforts and capabilities to save lives, protect property and public health and safety, or to lessen or avert the threat of a disaster in Arizona.

Historical Note

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Adopted effective September 18, 1996 (Supp. 96-3).
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R8-2-302. Applications for State-Level Emergency Assistance

- A. An Applicant shall act for the purpose of this Article through its chief executive officer or body, or the Applicant's Authorized Representative. All documents required to be executed on behalf of the Applicant must be signed by one of the foregoing.
- B. An Applicant shall use forms provided by the Division.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-303. Contents of an Application for Assistance

- A. An Applicant shall set forth in its Application for Assistance:
 1. A description of the Damages and/or potential health or other hazards in issue;
 2. The cause or causes of the Damages;
 3. The location or locations of the Damages;
 4. The beginning date of the Incident Period;
 5. The costs incurred for response;
 6. An estimate of the number of people affected; and
 7. An estimate of the cost of what the Applicant believes will be the Eligible Work.
- B. An Applicant's Application for Assistance shall show that before submitting an Application for Assistance to the Director, the Applicant first used all of its available resources to address the Incident. Before submitting an Application for Assistance to the Director, an Applicant that is a Political Subdivision shall request assistance from all other Political Subdivisions that might assist the Applicant in responding to the Incident.
- C. The Applicant's Application for Assistance also must be accompanied by a statement on Applicant's letterhead and signed under oath by Applicant's chief financial officer, setting forth specific facts (including but not limited to the inadequacy of mutual aid resources, the nature and extent of the Damage, the lack of necessary physical assets or personnel, and/or the inadequacy of the Applicant's own financial resources) sufficient for the Director to find, in the Director's sole discretion, that the Eligible Work in question is beyond the Applicant's ability to complete without State assistance.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-304. Application For Assistance by a Political Subdivision

- A. A County shall issue an Emergency Resolution before submitting an Application for Assistance to the Director.

- B. A Political Subdivision other than a County shall submit an Emergency Resolution to the County or Counties in which it is located and request that, if necessary, such County or Counties issue an Emergency Resolution and make application to the Director. If the relevant County or Counties fails to issue an Emergency Resolution expeditiously, a Political Subdivision may submit an Application for Assistance directly to the Director.
- C. The Director shall reject an Application for Assistance that is not received by the Director within 14 calendar days (subject to A.R.S. § 1-243(A)) from the start of the Incident Period unless the Political Subdivision shows to the Director's satisfaction:
 1. Good cause for the delay, or
 2. That the date the Incident Period started is difficult to establish.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-305. Application for Assistance by a State Agency

- A. An Applicant that is a State Agency shall submit an Application for Assistance directly to the Director.
- B. The Director shall reject an Application for Assistance that is not received by the Director within 14 calendar days (subject to A.R.S. § 1-243(A)) from the start of the Incident Period unless the State Agency shows to the Director's satisfaction:
 1. Good cause for the delay, or
 2. That the date the Incident Period started is difficult to establish.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-306. Action on an Application for Assistance

- A. The Director may make a recommendation to the Governor whether to issue a Declaration.
- B. The Director shall notify the Applicant in writing of the Governor's decision to issue or not to issue a Declaration. If the Governor issues a Declaration, the Division shall forward a copy to the Applicant.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-307. Declaration File Number

- A. The Division shall assign a file number to each State-Level Emergency that is the subject of a Declaration.
- B. All correspondence regarding a State-Level Emergency to which a file number is assigned shall reference the file number.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

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R8-2-308. Limitation of Governor's Emergency Fund Expenditure

- A. Expenditure from the Governor's Emergency Fund as a result of a particular Declaration shall not exceed the amount authorized in the Declaration unless an additional amount is authorized by the State Emergency Council as prescribed in A.R.S. § 35-192.
- B. State payment of claims submitted by a Political Subdivision pursuant to a Declaration shall not exceed 75% of Eligible Costs or such lesser amount established by the Director, which shall be set forth in the Applicant Agreement. In no event should the aggregate amount of payments exceed the amount set forth in the Governor's Declaration, unless such amount is authorized pursuant to R8-2-308(A).
- C. State payment of claims submitted by a State Agency pursuant to a Declaration shall not exceed 100% of Eligible Costs or such lesser amount established by the Director, which shall be set forth in the Applicant Agreement. In no event should the aggregate amount of payments exceed the amount set forth in the Governor's Declaration, unless such amount is authorized pursuant to R8-2-308(A).

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-309. Time Limits

- A. All of an Applicant's Facility or Facilities with Damage attributed to a specific State-Level Emergency and related information must be identified in writing to the Division by the Applicant within 60 days of the date of the Kick-Off Meeting, unless the start of the 60-day period is established by a Governor's Amendment to the Declaration. Any damaged Facility identified by the Applicant to the Division after this 60-day period has expired shall not be considered for Reimbursement unless the Applicant shows to the Director's satisfaction good cause for the delay.
- B. All information that the Applicant wishes to have considered by the Division in evaluating Applicant's Project, including but not limited to information relating to Damages, Scope of Work, estimated and actual costs, and all other information that has been requested by the Division, must be provided to the Division by the Applicant within six months from the date of the Governor's Declaration, regardless of whether a Federal declaration is issued. Any information not received by the Division within this six-month period may not be considered by the Division in determining Reimbursement under the declared State-Level Emergency, with the exception of information relating to Damages that are both not discovered and not discoverable until after Eligible Work has been begun.
- C. All Eligible Work for temporary and emergency purposes must be completed within six months of the date of the Governor's Declaration, and all Eligible Work for permanent purposes must be completed within 12 months of the date of the Governor's Declaration. If otherwise Eligible Work has not been completed within these time limits, the Division may cancel the Project in question, may recover from the Applicant any past funding provided by the Division for the Project, and may withdraw any then-future funding that would otherwise have been provided from the Governor's Emergency Fund for the Project.

- D. The Division will consider an Applicant's request for an extension of time of any of Applicant's obligations under this Article only if the Applicant submits a written request for such an extension of time to the Division at least 14 calendar days (subject to A.R.S. § 1-243(A)) prior to the expiration of the existing deadline, unless the Applicant shows to the Division's satisfaction good cause for the delay. Any such request must include both:
 1. An explanation of the need for additional time that establishes that the need for additional time is due to extenuating circumstances outside the Applicant's ability to control and/or that work is near completion; and
 2. A timeline for completion of Applicant's obligations in question. All applications for extensions will be granted or denied in the Division's sole discretion.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-310. Retention of Records

The Applicant shall maintain all records relating to claims submitted by the Applicant for three years after the final payment is made by the Division to Applicant or three years after the Applicant completes refunding to the Division any amount required under R8-2-318, whichever is later, and shall make these records available for inspection and audit by the Department and/or the State Auditor General.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-311. Establishment of the Incident Period and Termination of the Declaration

- A. The Director shall recommend to the Governor, for inclusion in the Governor's Declaration, the beginning and ending dates of the Incident Period. If the Director determines that the Incident Period has a beginning or ending date different from that stated in the Declaration, the Director shall recommend to the Governor that the Declaration be amended to reflect the correct dates.
- B. Once all of the following conditions have been met, the Director shall advise the Governor that the Declaration may be terminated:
 1. The approved Eligible Work associated with the particular Incident is complete;
 2. The Division has completed all inspections of all such Eligible Work for which Applicants have submitted timely claims;
 3. The Division has reimbursed all authorized claims associated with the particular Incident;
 4. All audits associated with the particular Incident are complete; and
 5. All Applicants have received all amounts due from the Governor's Emergency Fund associated with the particular Incident and have refunded to the Governor's Emer-

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gency Fund all overpayments associated with the particular Incident.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-312. Duplication of Benefits

- A. The State is not liable for any claim arising from a State-Level Emergency for which the Applicant receives funds from another source. Such funds from other sources shall not count towards the Applicant's contribution percentage.
- B. The State will not contribute toward any Eligible Costs arising from a State-Level Emergency unless the Applicant applies for and is denied funding from all other available sources before submitting the claim to the State.
- C. If an Applicant is within the Designated Disaster area of a Presidential Major Disaster Declaration, the State is not liable for any claim deemed ineligible by the Federal Emergency Management Agency (FEMA) under a Presidential Major Disaster Declaration. Claims denied by FEMA will not be considered eligible under the corresponding State-Level Emergency unless otherwise expressly allowed under R8-2-313(B).
- D. If an Applicant, or the Department through the audit process, determines that the Applicant received duplicate funds for a claim from the State and/or another source, the Applicant shall refund the amount received from the State within 60 days of written notification by the Division.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).
Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-313. Allowable Claims Against the Governor's Emergency Fund

- A. An executed Project Worksheet approves potential Reimbursement only to maximum of the dollar amount shown therein, which amount may not be increased except in a written document executed by both the Applicant and the Division or as a result of an adjustment after audit. The Division may allow expenditures from the Governor's Emergency Fund for an Eligible Cost arising from a State-Level Emergency only if all of the following conditions are met, unless the Director determines otherwise:
 1. The Applicant is legally and/or financially responsible for providing the related Eligible Work;
 2. If the Eligible Work involves repairs to a damaged Facility, the Facility must be owned by the Applicant at the time of the Incident, or the Applicant is obligated at the time of the Incident under a lease or other contract to perform or pay the cost of the Eligible Work;
 3. The amount claimed is a direct result of Eligible Work related to the State-Level Emergency;
 4. The amount claimed is authorized under R8-2-313(B) or R8-2-313(D);
 5. The related Project or projects comply with all local, State, and Federal environmental and historic preservation, building, safety, and other regulatory codes and standards; and

6. The Applicant does not owe any overpayment under R8-2-318 for any past or present State Level Emergency (whether open or closed) that has not been timely refunded to the Division. Alternatively, the Director may reduce the amount of any Reimbursement to the Applicant from the Governor's Emergency Fund by the amount of any outstanding overpayment under R8-2-318 that has not been timely refunded by the Applicant to the Division.

- B. The Division may, in the Division's sole discretion, allow the following to be Reimbursed from the Governor's Emergency Fund if the conditions set forth in R8-2-313(A) are met:
 1. For emergency or temporary work, overtime wages and benefits of the Applicant's hourly Budgeted Employees directly engaged in Eligible Work, which must be in accordance with the Applicant's published policies for overtime, premium pay, and compensatory time costs. No such costs may be Reimbursed to the extent the Applicant's policy makes such salaries, wages or benefits:
 - a. Contingent on State or Federal funding;
 - b. Applicable only if there has been a State or Federal disaster declaration; or
 - c. Subject to any discretionary criteria;
 2. For permanent work, salaries, or wages (including overtime for hourly Budgeted Employees only) and benefits of the Applicant's Budgeted Employees directly engaged in Eligible Work, which must be in accordance with the Applicant's published policies for overtime, premium pay, and compensatory time costs. No such costs may be Reimbursed to the extent the Applicant's policy makes such salaries, wages or benefits:
 - a. Contingent on State or Federal funding;
 - b. Applicable only if there has been a State or Federal disaster declaration; or
 - c. Subject to any discretionary criteria;
 3. Wages (including overtime) and benefits of hourly Non-Budgeted Employees of the Applicant directly engaged in any Eligible Work, which must be in accordance with the Applicant's published policies for overtime, premium pay, and compensatory time costs. No such costs may be Reimbursed to the extent the Applicant's policy makes such salaries, wages or benefits:
 - a. Contingent on State or Federal funding;
 - b. Applicable only if there has been a State or Federal disaster declaration; or
 - c. Subject to any discretionary criteria;
 4. Communication costs directly related to the State-Level Emergency incurred by the Applicant;
 5. Travel and per diem costs directly related to the State-Level Emergency for Applicant employees and employees of other State Agencies or Political Subdivisions (but not employees of private non-profits, non-governmental agencies, or companies, or private individuals) performing the Eligible Work under a mutual aid agreement, subject to the Applicant's standard, non-emergency limitations for travel and per diem expenses for its own employees, or the State of Arizona's Travel Policy requirements, whichever provides for lesser Reimbursement;
 6. Materials and supplies consumed by an Applicant in performing Eligible Work, except those listed under R8-2-313(C)(2);

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7. Operating costs for the Applicant's equipment, using rates established by the Applicant, the Division, or FEMA, whichever is less. Rental of commercial or privately owned equipment by the Applicant may be allowed only at documented contractual rates, prorated for the time that such equipment was in actual use performing Eligible Work (which shall not include any "stand by" time), or at the contracted flat rate, whichever is less;
 8. All procurement contracts must adhere to all local, State and Federal (if a Federal declaration applies) procurement requirements, whichever are the most restrictive, including but not limited to the Arizona Procurement Code, A.R.S. Title 41, Chapter 23 and A.A.C. Title 2, Chapter 7. "Emergency Procurement" is defined in A.A.C. R2-7-E302, and all Emergency Procurements must comply with A.A.C. R2-7-E302 and all other local, State or Federal (if a Federal declaration applies) procurement requirements, whichever are the most restrictive.
 9. Subject to all other requirements of R8-2-313(B), Eligible Work performed under a mutual aid agreement between an Applicant receiving the aid and an entity providing the aid, is eligible for Reimbursement upon application by the Applicant. The entity providing the aid shall submit documented costs to the Applicant. Only the Applicant is eligible to submit for a cost-share Reimbursement from the Governor's Emergency Fund. Costs incurred by the entity providing the aid and related to Eligible Work are to be paid to the providing entity by the Applicant in compliance with the terms of the mutual aid agreement.
 10. Prison labor, including amounts paid to prisoners in accordance with established rates, amounts paid to the required number of guards (with the required number of guards to be determined by the incarcerating entity's rules on the required guard/prisoner ratio), and the costs of transporting and feeding prisoners and guards.
 11. Snow Removal: A Political Subdivision may submit an Application for Assistance if the Application establishes the existence of all of the following requirements: If an Incident resulting from a winter storm event results in a Declaration and also pushes the Applicant's cumulative snowfall total for a winter season above the average of the last five seasons' annual snowfall, then the Applicant may be eligible for assistance, provided that responding to the Incident is beyond the Applicant's ability to recover without State assistance; see R8-2-303(C). The data source for snowfall measurement will be the National Weather Service, and the data source for historical snowfall will be the National Climatic Data Center.
- C. The Division shall not allow the following to be Reimbursed from the Governor's Emergency Fund:
1. Salaries or wages and benefits of elected or appointed officials responsible for directing governmental activities;
 2. Administrative Costs; purchase of office supplies; purchase or rental of office equipment; rental of administrative office space; depreciation; insurance premiums; storage costs; maintenance costs; lost revenue; and all overhead costs;
 3. Contributions toward the purchase of equipment by the Applicant for use in performing Eligible Work. The Division may approve total or partial Reimbursement of such contributions in advance and in writing, but only if the necessary equipment is not available (without purchase) from Federal, State, or local sources, and if the contribution does not exceed the cost of renting the item for the period of actual use in performing Eligible Work (not to include "stand by" time) at prevailing local rates. At the Division's discretion, the total or partial Reimbursement of any such contribution from the Governor's Emergency Fund will be reduced by the fair market value of the item when the item is no longer needed for the State-Level Emergency in question;
 4. Any donated resources, including but not limited to labor, equipment, and materials;
 5. Repairs and fuel for privately owned or rented equipment, except where the rental agreement provides that the Applicant will be responsible for repairs and/or fuel in addition to the rental fee;
 6. Work performed and/or materials provided:
 - a. Under agreement between a State Agency or Political Subdivision and a Federal agency, and
 - b. Paid for by Federal funds;
 7. Costs incurred under contracts based on cost plus a percentage of costs;
 8. Lodging costs associated with prison labor, including lodging costs for both the prisoners and their guards;
 9. Any cost conditioned upon the availability of State or Federal funds;
 10. Any cost incurred as a result of personnel or equipment "standing by" to perform Eligible Work, but not actually performing Eligible Work. Exception: Eligible Costs to provide life safety assistance where an immediate and direct threat to life safety is reasonably anticipated; and
 11. Any costs incurred due to deterioration, deferred maintenance, the Applicant's failure to take measures to protect a Facility from further damage, or negligence.
- D. To submit a claim for a cost that otherwise is not allowable under the terms of R8-2-313(B) but that is not barred under the terms of R8-2-313(C), an Applicant shall submit a written request to the Director for an exception, which request must be approved by the Director. The Director may, in the Director's sole discretion, grant a request for an exception if the Applicant:
1. Explains the nature of the exception requested;
 2. Justifies why it is needed; and
 3. The Applicant otherwise satisfies all other requirements of A.A.C. Title 8, Chapter 2, Article 3. The Division shall inform the Applicant in writing of the decision to grant or deny the request for an exception.
- E. Except as allowed under R8-2-313(A)(5) and R8-2-314(A) and (B), when a Facility damaged as a result of a State-Level Emergency is repaired or replaced, the Director shall allow only the costs required to return the Facility to the condition it was before the State-Level Emergency.

Historical Note

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Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-314. Hazard Mitigation and Improved Projects

- A. The Applicant is encouraged to identify and request that the Governor's Emergency Fund be used to pay for cost effective Hazard Mitigation opportunities for each Facility that has suf-

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ferred Damage in the State-Level Emergency that would mitigate future impact from a similar future emergency.

- B. The Applicant shall comply with any Hazard Mitigation requirements specified in writing by the Division for Facilities subject to repeated damage or threats to life or property, as described in a Project Worksheet approved by the Division.
- C. With approval by the Division, the Applicant may submit for an Improved Project and make improvements to a Facility in addition to restoring pre-disaster function to a Facility identified to the Division within 60-days of the Kick-Off Meeting per R8-2-309(A). Pursuant to R8-2-313(E), claims against the Governor's Emergency Fund for an Improved Project are otherwise limited to the State share for the Project estimate for the repairs necessary to return the Facility to the condition it was before the State-Level Emergency, subject to R8-2-313(A)(5). All costs in excess of the State's share for the Improved Project are the sole responsibility of the Applicant.

Historical Note

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R8-2-315. Advance of Funds from the Governor's Emergency Fund

All requests for an advance of funds from the Governor's Emergency Fund must be made by the Applicant in writing, and shall be signed by the Applicant's Authorized Representative, and submitted to the Director. The Director may, in the Director's sole discretion, grant a request for an advance for work not completed only if the Director determines that the Applicant has demonstrated that the work is Eligible Work and cannot be completed without an advance. The amount of an advance is in the Director's sole discretion.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3). Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-316. Final Inspection and Audit

Upon completion of all work by an Applicant, the Division shall inspect all the work for which the Applicant has received any funding from the Governor's Emergency Fund. The Applicant shall provide the Division with access to all such work and shall permit review of all records relating to such work. After completion of the final inspection, the Department's chief auditor shall conduct an audit of the Applicant's claims. The Director shall use this audit to determine the eligibility of claimed costs and either the amount of the final payment due to the Applicant, or the amount of the overpayment due from the Applicant to the Division.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3). Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). Amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-317. Inspection and Audit of Contract Provisions

If a contract or subcontract for the furnishing of goods, equipment, labor, materials, or services may be Reimbursed in whole or in part with funds from the Governor's Emergency Fund to the Applicant, the Applicant shall include in the contract or subcontract a provision that all books, accounts, reports, and other records relating to the contract or subcontract shall be subject to inspection and audit by the state for five years after completion of the contract or subcontract.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3). Section repealed; new Section R8-2-317 renumbered from R8-2-318 and amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-318. Overpayment

If the Director determines that an Applicant is required to refund an overpayment, the Division shall provide the Applicant written notice of the Director's decision and the amount owed. The Applicant shall refund this amount to the Division within 60 days of the date of the written notification.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3). R8-2-318 renumbered to R8-2-317; new R8-2-318 renumbered from R8-2-319 and amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-319. Review and Appeal

- A. Decisions, determinations, or disaster-specific guidance made during a specific State-Level Emergency shall not be construed as establishing any precedent for decisions, determinations, or disaster specific guidance for future State-Level Emergencies.
- B. If an Applicant is aggrieved by an initial decision of the Director, the Applicant may request a review and reconsideration by the Director not later than 30 days of the decision in question. The Applicant's request for a review:
 1. Must be made in writing;
 2. Must contain a statement of all the material facts relied on by the Applicant; and
 3. Must have attached copies of all documents relied on by the Applicant in making its request. The Director shall issue a final written decision of the Director's review and reconsideration providing a detailed explanation of the decision on the Applicant's request for a review within 60 days. If the review results in a final written decision that the Applicant is required to refund an amount to the Division, the Applicant shall refund the amount required within 60 days of the Director's written decision.
- C. Any Applicant aggrieved by a final written decision rendered by the Director may appeal the Director's final written decision by submitting a written notice of appeal to the Adjutant General not later than 30 days after the date of the Director's final written decision. A notice of appeal must:
 1. Contain a statement of all of the material facts relied on by the Applicant;
 2. Set forth in detail each separate legal theory relied on by the Applicant, with citations to supporting authorities; and
 3. Have attached copies of all documents relied on by the Applicant in making its appeal. The Adjutant General

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shall issue a written decision providing a detailed explanation of the decision on the Applicant's appeal within 60 days. If the appeal results in a written decision that the Applicant is required to refund an amount to the Division, the Applicant shall refund the amount required within 60 days of the Adjutant General's written decision.

- D. When an appeal of a decision rendered by the Adjutant General is submitted to the Adjutant General, the Adjutant General shall contact the Office of Administrative Hearings (OAH) to schedule the case to be heard by OAH in accordance with A.R.S. § 41-1092 et seq. and A.A.C. R2-19-101 et seq.
- E. Any judicial appeal of a final administrative decision heard by OAH as allowable pursuant to A.R.S. § 41-1092 et seq. and A.A.C. R2-19-101 et seq. shall be heard in the Superior Court of Maricop

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3). Amended by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4). R8-2-319 renumbered to R8-2-318; new R8-2-319 renumbered from R8-2-320 and amended by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-320. Renumbered**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3). R8-2-320 renumbered to R8-2-319 by final exempt rulemaking at 29 A.A.R. 238 (January 20, 2023), with an immediate effective date of December 15, 2022 (Supp. 22-4).

R8-2-321. Repealed**Historical Note**

Adopted effective September 18, 1996 (Supp. 96-3). Repealed by exempt rulemaking at 19 A.A.R. 4216, effective December 1, 2013 (Supp 13-4).

ARTICLE 4. REPEALED**R8-2-41. Repealed****Historical Note**

Adopted as an emergency effective March 24, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R8-2-41 adopted as an emergency now adopted as a permanent rule effective June 24, 1982 (Supp. 82-3). Adopted as an emergency effective October 12, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Former Section R8-2-41 repealed, new Section R8-2-41 adopted effective April 2, 1985 (Supp. 85-2). Section R8-2-41 repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (see R4-34-1101, Arizona State Fire Code, adopted as an emergency pursuant to A.R.S. § 41-1026, valid for only 90 days) (Supp. 88-1). Emergency expired. Section R8-2-41 repealed effective November 16, 1988 (see R4-34-1101, Arizona State Fire Code) (Supp. 88-4).

ARTICLE 5. EMERGENCY EXPIRED**R8-2-51. Emergency Expired****Historical Note**

Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

R8-2-52. Emergency Expired**Historical Note**

Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

R8-2-53. Emergency Expired**Historical Note**

Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

R8-2-54. Emergency Expired**Historical Note**

Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

ARTICLE 6. RECODIFIED AND REPEALED**R8-2-601. Recodified****Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Amended by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-601 recodified to R18-18-201 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-602. Recodified**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-602 recodified to R18-18-202 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-603. Recodified**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-603 recodified to R18-18-203 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-604. Recodified**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Section R8-2-604 recodified to R18-18-204 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-605. Recodified**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1). Sec-

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tion R8-2-605 recodified to R18-18-205 at 27 A.A.R. 1535, with an immediate effective date of September 1, 2021 (Supp. 21-3).

R8-2-606. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-607. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-608. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-609. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-610. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-611. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-612. Repealed**Historical Note**

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

ARTICLE 7. REGISTRATION OF EMERGENCY WORKERS**R8-2-701. Scope**

This Article is applicable for the registering of emergency workers in accordance with A.R.S. § 26-314.

Historical Note

Section made by final rulemaking at 14 A.A.R. 4519, effective January 31, 2009 (Supp. 08-4).

R8-2-702. Registration

Except what is provided in A.R.S. § 26-353, registration is a prerequisite for eligibility of emergency workers for benefits and legal protections under A.R.S. § 26-314.

1. Emergency workers shall register with a department or agency of the state or a political subdivision of the state.
2. The information provided during registration may be used to conduct criminal history and driving record background checks.
3. Temporary registration.

- a. Temporary registration may be used in emergency situations requiring immediate or on-scene recruitment of emergency workers.
- b. Persons shall be temporarily registered if they have provided the required registration information in accordance with R8-2-703, but have not provided supporting documentation.
- c. Period of temporary registration ends when the registering participant has been cleared pursuant to R8-2-702(1) and (2) or when the registering agency determines that the emergency for which the registering participant received a temporary registration is closed whichever occurs first.

4. Registration information shall be reviewed and updated annually.

Historical Note

Section made by final rulemaking at 14 A.A.R. 4519, effective January 31, 2009 (Supp. 08-4).

R8-2-703. Required Registration Information

The following information is the minimum information required to register as an emergency worker:

1. Full name;
2. Birth date;
3. Gender;
4. Social Security Number;
5. Citizenship, to include a document verifying citizenship;
6. Provide verification of eligibility to work in the United States;
7. Address;
8. Contact phone number and e-mail address;
9. Driver's license number, issuing state and expiration date;
10. Registering jurisdiction;
11. Registering agency/organization;
12. Employer name, address and phone number;
13. Personal reference name, address and phone number;
14. Emergency contact name, address and phone number;
15. Professional licenses, certificates and registrations, to include numbers and expiration dates (copies will be provided);
16. Court record of felony convictions;
17. Record of misdemeanor convictions involving moral turpitude; and
18. Medical conditions which may limit ability to perform as an emergency worker.

Historical Note

Section made by final rulemaking at 14 A.A.R. 4519, effective January 31, 2009 (Supp. 08-4).

R8-2-704. Registration Denial or Revocation; Denied Compensation

- A. Failure to truthfully respond to statements set forth on the registration form may result in the denial of registration, revocation of registration as an emergency worker, or denial of compensation for claims arising under A.R.S. § 23-1028(a).
- B. Registration may be denied or revoked in the event of the following:
 1. Failure to satisfactorily provide the information required in Section R8-2-703,
 2. Health conditions that could limit the applicant's performance as an emergency worker, or
 3. Felony convictions.

Historical Note

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Section made by final rulemaking at 14 A.A.R. 4519,
effective January 31, 2009 (Supp. 08-4).