

Notices of Emergency Rulemaking

R2-11-403	New Section
R2-11-404	New Section
R2-11-405	New Section
R2-11-406	New Section
R2-11-407	New Section
R2-11-408	New Section
R2-11-409	New Section
Article 5	New Article
R2-11-501	New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 41-621, 41-791, and 41-796

Implementing statutes: A.R.S. §§ 41-621, 41-791, and 41-796

3. The effective date of the rules:

June 18, 2003

4. Is this rulemaking a renewal of a previous emergency rulemaking?

No

5. The name and address of agency personnel with whom persons may communicate regarding the rules:

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6. An explanation of the rules, including the agency's reasons for initiating the rules:

The attached establishes the rules for Parking and Traffic movement, Special Events and Solicitation, and general building maintenance for state of Arizona buildings. The submitted rules were allowed to expire under A.R.S. § 41-1056(E) (see 2 A.A.C. 6). They are being submitted for reinstatement with the removal of archaic language and other necessary revisions.

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

Not applicable

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

The economic impact on the public and the small business community will not be worsened by these rules. The rules had been in place for a number of years before they expired.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

10. Incorporations by reference and their location in the rules:

None

11. An explanation of the situation justifying the rule's making as an emergency rule:

The submitted rules were allowed to expire under A.R.S. § 41-1056(E) (see 2 A.A.C. 6). The expiration of these rules has opened the state of Arizona to liability. The proposed emergency rulemaking will closely resemble the past experience under the expired rules. The previous rules had been in place for years before they expired.

Article 1 rules regulate the conduct of employees and the public on state property. The Department is seeking emergency rulemaking approval for all of Article 1 rules under the criteria listed in A.R.S. § 41-1026(A)(1). Article 1 rules

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need to become effective immediately under the criteria listed in A.R.S. § 41-1032(A)(1). The ability for the Department to regulate activities, and gain access to public property and state offices is necessary to ensure that work is not disrupted, equipment is not misused, property is not damaged, and people are not harmed.

Article 2 rules regulate traffic and parking on state property. The Department is seeking emergency rulemaking approval for all of Article 2 rules under the criteria listed in A.R.S. § 41-1026(A)(1). Article 2 rules need to become effective immediately under the criteria listed in A.R.S. § 41-1032(A)(1). This is necessary in order for the Department to maintain the health and safety for state employees and the public on or around state property.

Article 3 rules regulate the use of state property for solicitation. The Department is seeking emergency rulemaking approval for all of Article 3 rules under the criteria listed in A.R.S. § 41-1026(A)(1) and (A)(5). Article 3 rules need to become effective immediately under the criteria listed in A.R.S. § 41-1032(A)(1). The ability for the Department to regulate activities, and gain access to state property and state offices is necessary to ensure that work is not disrupted, equipment is not misused, property is not damaged, and people are not harmed.

Article 4 rules regulate the use of state property on gatherings for special events. The Department is seeking emergency rulemaking approval for all of Article 4 rules under the criteria listed in A.R.S. § 41-1026(A)(1) and (A)(5). Article 4 rules need to become effective immediately under the criteria listed in A.R.S. § 41-1032(A)(1). The ability of the Department to regulate activities, and gain access to public property and state offices is necessary to ensure that work is not disrupted, equipment is not misused, property is not damaged, and people are not harmed.

Article 5 Severability is necessary to maintain that A.R.S. § 41-1026(A)(1) and (A)(5) continue to be accomplished through the remaining rules in the event one section of the rules is declared unconstitutional or illegal. Article 5 needs to become effective immediately under the criteria listed in A.R.S. § 41-1032(A)(1) to maintain that A.R.S. § 41-1026(A)(1) and (A)(5) continue to be accomplished through the remaining rules in the event one section of the rules is declared unconstitutional or illegal.

12. The date of the Attorney General's approval of the emergency rules:

June 16, 2003

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 11. DEPARTMENT OF ADMINISTRATION

PUBLIC BUILDINGS MAINTENANCE

ARTICLE 1. GENERAL

Section

<u>R2-11-101.</u>	<u>Definitions</u>
<u>R2-11-102.</u>	<u>Alcoholic Beverages</u>
<u>R2-11-103.</u>	<u>Altering Buildings or Grounds</u>
<u>R2-11-104.</u>	<u>Animals</u>
<u>R2-11-105.</u>	<u>Bicycles, Rollerblades, Rollerskates, and Skateboards</u>
<u>R2-11-106.</u>	<u>Electrical or Plumbing Systems</u>
<u>R2-11-107.</u>	<u>Heating or Cooling Equipment</u>
<u>R2-11-108.</u>	<u>Noise</u>
<u>R2-11-109.</u>	<u>Plants</u>
<u>R2-11-110.</u>	<u>Roofs</u>
<u>R2-11-111.</u>	<u>Signs</u>
<u>R2-11-112.</u>	<u>Smoking</u>
<u>R2-11-113.</u>	<u>Waste</u>
<u>R2-11-114.</u>	<u>Windows</u>

ARTICLE 2. TRAFFIC AND PARKING

Section

<u>R2-11-201.</u>	<u>Definitions</u>
<u>R2-11-202.</u>	<u>General Provisions</u>
<u>R2-11-203.</u>	<u>Parking Prohibitions</u>
<u>R2-11-204.</u>	<u>Parking Decals</u>
<u>R2-11-205.</u>	<u>Operation of Vehicles on State Property</u>
<u>R2-11-206.</u>	<u>Penalties</u>
<u>R2-11-207.</u>	<u>Hearings</u>

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- R2-11-208. Rehearing
- R2-11-209. Removal of Vehicles from State Property

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Section

- R2-11-301. Definitions
- R2-11-302. Unauthorized Solicitation Prohibited
- R2-11-303. Application
- R2-11-304. Processing Procedure
- R2-11-305. Permit Issuance: Denial
- R2-11-306. Bulletin Boards
- R2-11-307. State Resources
- R2-11-308. Work Sites
- R2-11-309. Exemptions
- R2-11-310. Suspension or Revocation
- R2-11-311. Review of Denial or Summary Suspension

ARTICLE 4. SPECIAL EVENTS

Section

- R2-11-401. Definitions
- R2-11-402. Unauthorized Special Event Prohibited
- R2-11-403. Application
- R2-11-404. Processing Procedure
- R2-11-405. Permit Issuance: Denial
- R2-11-406. Monitors
- R2-11-407. Risk Management
- R2-11-408. Suspension or Revocation
- R2-11-409. Review of Denial or Summary Suspension

ARTICLE 5. SEVERABILITY

Section

- R2-11-501. Validity of Rules

ARTICLE 1. GENERAL

R2-11-101. Definitions

The following definitions apply in this Chapter:

1. "Agency" has the meaning in A.R.S. § 41-1001.
2. "Department" means the Department of Administration.
3. "Director" means the Director of the Department of Administration or the Director's designated agent.
4. "Person" has the meaning in A.R.S. § 1-215 but includes an agency, unless the agency is listed in A.R.S. § 41-791(B)(3).
5. "State building" means a building under the jurisdiction of the Director.
6. "State property" means all real property and buildings under the jurisdiction of the Department, as prescribed by A.R.S. § 41-791.

R2-11-102. Alcoholic Beverages

A person shall not possess or consume alcoholic beverages on state property.

R2-11-103. Altering Buildings or Grounds

A person shall not alter, remodel, or redecorate state property without prior approval from the Director.

R2-11-104. Animals

A person shall not bring an animal, other than an animal guide or service animal, onto state property without prior approval from the Director.

R2-11-105. Bicycles, Rollerblades, Rollerskates, and Skateboards

A person shall not use or operate bicycles, rollerblades, rollerskates, or skateboards on state property, unless that person is an on-duty police officer on bicycle patrol or a state employee using a bicycle for transportation to and from work.

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R2-11-106. Electrical or Plumbing Systems

A person shall not install or modify an electrical or plumbing system on state property, or any part of such a system, without prior approval from the Director.

R2-11-107. Heating or Cooling Equipment

A person shall not tamper with or adjust heating or cooling equipment or controls on state property without prior approval from the Director.

R2-11-108. Noise

A person shall not create loud noises on state property that interfere with the work of an employee or daily business of an agency.

R2-11-109. Plants

A person shall not pick, cut, or remove flowers, shrubs, trees, or other plants or parts of plants from state property without prior approval from the Director.

R2-11-110. Roofs

A person shall not be on the roof of a state building without prior approval from the Director.

R2-11-111. Signs

A person shall not install a sign of any type on state property without prior approval from the Director.

R2-11-112. Smoking

A person shall not smoke in a state building unless the person is in a designated smoking area or exempt under A.R.S. § 36-601.02(B).

R2-11-113. Waste

- A.** A person shall not leave garbage, litter, trash, human or animal waste, or any other kind of waste on state property unless the waste is deposited in a container the Department maintains for that kind of waste.
- B.** A person shall not deposit waste collected from a private residence or commercial business on state property.

R2-11-114. Windows

A person shall not open windows in air-conditioned state buildings without prior approval from the Director.

ARTICLE 2. TRAFFIC AND PARKING

R2-11-201. Definitions

The following definitions apply in this Article:

1. "Citation" means a document, issued by the Department's Capitol Police under A.R.S. § 41-796, that contains a notice to appear.
2. "Decal" means a graphic designed label, placard, sticker, or tag that, when properly displayed, authorizes preferential parking privileges in state parking lots for the driver of a vehicle.
3. "Designate" means to identify with signs or markings.
4. "Employee" means any person elected, appointed, or employed by the state, either on a part-time or full-time basis, whether paid by payroll or under contract or as serving as a volunteer.
5. "Loading zone" means an area that is painted yellow, designating a place for business pickups and deliveries.
6. "No parking zone" means an area that is painted red, designating a place where parking is not permitted.
7. "Parking" means stopping or placing a vehicle in an area, regardless of whether the vehicle is attended or unattended.
8. "Parking space" means an area that the Department outlines with painted white lines, designating a place for parking a vehicle.
9. "Reserved parking space" means any parking space designated for a special purpose or a special class, such as physically disabled persons, travel reduction program participants, or visitors.
10. "Safety zone" means an area or space that is both:
 - a. Officially set apart within a roadway for the exclusive use of pedestrians; and
 - b. Protected, marked, or indicated by adequate signs as to be plainly visible at all times.
11. "Vehicle" has the meaning in A.R.S. § 28-101 and includes a "motor vehicle," a term also defined in A.R.S. § 28-101.
12. "Visitor" means any person other than an employee.

R2-11-202. General Provisions

- A.** The state is not responsible for the care and protection of any vehicle or its contents at any time the vehicle is operated or parked on state property.
- B.** The person to whom a parking permit is issued is responsible for all parking violations involving the person's vehicle.
- C.** If parking lot or area reservation hours are altered, the Department shall post notices at the parking lot or area, and the changes are effective immediately.

R2-11-203. Parking Prohibitions

- A.** A person shall not park a vehicle in a:
1. Bicycle rack or area;
 2. Loading zone, unless the person is making a pickup or delivery and the person's vehicle has commercial license plates or is state owned. Loading zone parking is permitted during the time the person is actually engaged in loading or unloading;
 3. Location that is not designated as a parking space;
 4. No parking zone;
 5. Reserved parking space without authorization, unless the person is a visitor using parking reserved for visitors; or
 6. Safety zone.
- B.** A person shall not obstruct any of the following with a vehicle:
1. Building entrance,
 2. Driveway,
 3. Fire lane,
 4. Loading dock, or
 5. Properly parked vehicle.
- C.** A person shall not drive or park a vehicle:
1. On a pedestrian path or sidewalk; or
 2. In any area on state property closed by barricades, chain, tape, rope, traffic cones, or other traffic-control devices.
- D.** A person shall not park outside of the area designated by painted white lines when using a parking space.
- E.** In an emergency the Department may impose parking limitations or prohibitions required by the particular circumstances.
- F.** For special events the Department may impose parking limitations or prohibitions based on all of the following factors:
1. Previous experience with similar events and
 2. Risk data.

R2-11-204. Parking Decals

- A.** Unless a person is a visitor using parking reserved for visitors, the person shall properly display a reserved parking space decal in the manner prescribed in this Section to be authorized to park in a reserved parking space.
- B.** To park in a parking space reserved for the physically disabled, a person shall obtain a removable windshield placard or special plates, bearing the international symbol of access, from the Department of Transportation, Motor Vehicle Division, and display the placard or plates as prescribed by rules of the Department of Transportation.
- C.** A person with a decal for any other kind of reserved parking space shall display the decal from the rearview mirror, attach the decal to the left side of the windshield, or display the decal on the left side of the dashboard. The person shall ensure that the decal is visible through the windshield so it can be read by someone standing outside the vehicle.

R2-11-205. Operation of Vehicles on State Property

- A.** On state property the Department shall enforce all state laws governing the operation of vehicles.
- B.** A person driving or parking a vehicle on state property shall obey posted traffic and parking signs.
- C.** The Department's Capitol Police shall enforce a maximum speed limit of 5 miles per hour in all state parking lots under the Department's jurisdiction.
- D.** Any person who has been in an accident involving a moving vehicle on state property shall immediately report the accident to the Department's Capitol Police.

R2-11-206. Penalties

- A.** The registered owner of a vehicle involved in a violation of R2-11-203, R2-11-204, or R2-11-205 shall pay the monetary penalties prescribed in this Section.
- B.** Capitol Police officers or Capitol Police security aides shall issue citations, containing the notice to appear described in A.R.S. § 41-796(E), according to the following schedule:
1. Parking in a bicycle rack or area: \$16.00.
 2. Parking in a loading zone: \$20.00.
 3. Parking in a location that is not designated as a parking space: \$20.00.
 4. Parking in a no parking zone: \$20.00.
 5. Unauthorized parking in a space reserved for the physically disabled: \$50.00.
 6. Unauthorized parking in any other kind of reserved parking space: \$16.00.
 7. Parking in a safety zone: \$20.00.
 8. Obstructing a building entrance, driveway, fire lane, loading dock, or properly parked vehicle: \$20.00.
 9. Driving or parking on a pedestrian path or sidewalk: \$25.00.
 10. Driving or parking in any area on state property closed by barricades, chain, tape, rope, traffic cones, or other traffic-control devices: \$25.00.
 11. Parking outside of parking space lines: \$16.00.

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- 12. Improperly displaying a parking decal: \$10.00.
- 13. Failing to obey a state law governing the operation of a vehicle while on state property: \$16.00.
- 14. Failing to obey posted traffic or parking signs on state property: \$16.00.
- 15. Exceeding the maximum speed limit of 5 miles per hour in a state parking lot: \$16.00.
- 16. Failing to immediately report an accident involving a moving vehicle on state property to the Department's Capitol Police: \$16.00.

- C.** For the purposes of this Article, service of a notice to appear is complete when the police officer or security aide issuing the citation secures it to the vehicle in a conspicuous place.
- D.** Within 10 business days from the issuance date of a citation, the registered owner of the vehicle shall pay the appropriate monetary penalty to the Department, admitting the violation or indicating no contest, or contest the citation under A.R.S. § 41-796(E) and the procedures in R2-11-207. The registered owner may pay the penalty by checking the appropriate box and mailing the payment and citation to the Department, using the address printed on the citation.
- E.** If the registered owner does not pay the monetary penalty within 10 business days of the citation date and fails to request a hearing under R2-11-207, the Department shall treat the failure to respond as an admission of the violation, declare the penalty to be in default, and serve a notice of default on the registered owner with a bill for the amount of the original penalty and an additional monetary penalty of \$20.00 for failure to respond. The Department may take appropriate action to collect these monetary penalties, based on the resources available for pursuing collection.

R2-11-207. Hearings

- A.** If a registered owner wishes to contest a citation, the registered owner shall request a hearing within 10 days after issuance of the notice to appear described in A.R.S. § 41-796(E) by checking the appropriate box and mailing the citation to the Department, using the address printed on the citation.
- B.** Upon receipt of a request for hearing, the Department shall schedule a hearing and serve notice of the hearing, according to A.R.S. § 41-1092.05.
- C.** The Director or an administrative law judge from the Office of Administrative Hearings shall conduct each hearing as a contested case, in the manner prescribed in A.R.S. Title 41, Chapter 6, Article 10. The Department shall serve its decision on the registered owner. If the Director or the administrative law judge determines that a violation has occurred and imposes a monetary penalty, a bill for the amount of the penalty shall be served with the decision. The registered owner shall pay the monetary penalty within 10 business days from the date on the decision or within the time prescribed by the administrative law judge. If the registered owner does not pay the monetary penalty within this time, the registered owner shall pay an additional monetary penalty of \$20.00. The Department may take appropriate action to collect any monetary penalty imposed, based on the resources available for pursuing collection.

R2-11-208. Rehearing

- A.** A party in a contested case before the Department may file a motion for rehearing or review within 30 days after service of the final administrative decision, as prescribed in A.R.S. § 41-1092.09. The party shall attach a supporting memorandum, specifying the grounds for the motion. A party is not required to file a motion for rehearing or review of the final administrative decision to exhaust the party's administrative remedies.
- B.** An opposing party may file a response within 15 days after the date the motion for rehearing or review is filed. The party shall support the response with a memorandum discussing relevant legal and factual issues.
- C.** Any party may request oral argument.
- D.** The Director may grant a rehearing or review for any of the following causes materially affecting a party's rights:
 - 1. Irregularity in the administrative proceedings or any order or abuse of discretion, that deprived the moving party of a fair hearing;
 - 2. Misconduct of the Department, the administrative law judge, or the prevailing party;
 - 3. Accident or surprise that could not have been prevented by ordinary prudence;
 - 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - 5. Excessive or insufficient penalties;
 - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceeding;
 - 7. That the findings of fact or decision are not justified by the evidence or are contrary to law.
- E.** The Director may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order, and any rehearing shall cover only those matters specified. The Director may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- F.** Not later than 15 days after the date of the decision, the Director may grant a rehearing or review on the Director's own initiative for any reason for which the Director might have granted relief on motion of a party.

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- G. If a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within five days after service, serve opposing affidavits.
- H. The Director shall rule on the motion as prescribed in A.R.S. § 41-1092.09. If a rehearing is granted, the Department shall hold the rehearing within 30 days after the date on the order granting the rehearing.

R2-11-209. Removal of Vehicles from State Property

The Department shall remove any vehicle on state property parked in a barricaded area, abandoned, or parked in a manner that constitutes a hazard or impediment to vehicular or pedestrian traffic or to the movement and operation of emergency equipment. The registered owner of the vehicle shall pay for all costs of removal.

ARTICLE 3. SOLICITATION

R2-11-301. Definitions

The following definitions apply in this Article:

1. "Solicitation" means any activity that can be interpreted as being for the promotion, sale, or transfer of products, services, memberships, or causes. Distribution or posting of advertising, circulars, flyers, handbills, leaflets, posters, or other printed information for these purposes is solicitation.
2. "Solicitation material" means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.
3. "Solicitor" means a person conducting a solicitation.
4. "Work site" means any location within a state building where public employees or officers conduct the daily business of an agency. Cafeterias and break rooms are not work sites.

R2-11-302. Unauthorized Solicitation Prohibited

A person shall not conduct a solicitation on state property without express written permission from the Director.

R2-11-303. Application

- A. Any person who would like to conduct a solicitation on state property may apply for a permit by filing, either in person or by mail, a Department-approved solicitation application form with the Director's Office.
- B. The completed application form shall be submitted at least 15 days before the desired date of the solicitation. A completed application form is one that is legible and contains, at a minimum, all of the following information:
 1. The name, address, and telephone number of the solicitor;
 2. The proposed date of the solicitation and the approximate starting and concluding times;
 3. The specific, proposed location for the solicitation;
 4. A general description of the solicitation's purpose; and
 5. Copies of solicitation materials to be used.

R2-11-304. Processing Procedure

- A. Within three days of receiving an application, the Department shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing.
- B. An applicant with an incomplete application shall supply the missing information within five days after the date of the notice. If the applicant fails to do so, the Department may deny the permit.
- C. Upon receipt of all missing information within five days, as specified in subsection (B), the Department shall notify the applicant that the application is complete.
- D. The Department shall not process an application for a permit until the applicant has fully complied with R2-11-303.
- E. The Director shall render a permit decision no later than three days after receipt of a complete application. The date of receipt is the postmark date of the notice advising the applicant that the application is complete.
- F. For the purpose of A.R.S. § 41-1073, the Department establishes the following permit time-frames:
 1. Administrative completeness review time-frame: three days.
 2. Substantive review time-frame: three days.
 3. Overall time-frame: six days.

R2-11-305. Permit Issuance; Denial

- A. Before issuing a permit, the Director shall review the application.
- B. After consideration of the factors in subsection (C), the Director may issue a permit to an applicant who has complied with the application requirements in R2-11-303.
- C. The Director may deny a permit for one or more of the following reasons:
 1. The solicitation interferes with the work of an employee or daily business of an agency;
 2. The solicitation conflicts with the time, place, manner, or duration of other events or solicitations for which permits have been issued or are pending;
 3. The solicitation creates a risk of injury or illness to persons or risk of danger to property; or
 4. The applicant or solicitation fails to comply with the requirements of this Article.
- D. A permit shall not be issued earlier than 60 days before the solicitation.

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E. If the Director denies a permit, the Department shall send the applicant a written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules.
2. The applicant's right to seek a hearing to challenge the denial.
3. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06, and
4. The time periods for appealing the denial.

R2-11-306. Bulletin Boards

- A.** The Director shall designate at least one bulletin board for solicitation material in each state building.
B. A person conducting a solicitation shall post solicitation material only on bulletin boards designated under subsection (A).
C. The Department shall remove solicitation material that is outdated or improperly posted.

R2-11-307. State Resources

A person shall not use state materials, supplies, or equipment or other resources, such as payroll stuffing or interoffice mail, to conduct a solicitation.

R2-11-308. Work Sites

Except for posting solicitation material on a bulletin board designated under R2-11-306, a person shall not conduct a solicitation at a work site.

R2-11-309. Exemptions

This Article does not apply to the following state programs:

1. The State Deferred Compensation Program;
2. The State Employees Charitable Campaign;
3. The U.S. Savings Bond Drive;
4. The United Blood Services Blood Drive;
5. The Capitol Rideshare Commuter Club;
6. The Capitol Rideshare Clean Air Campaign;
7. The Employee Wellness Program.
8. Employee recognition programs of each agency subject to these rules.

R2-11-310. Suspension or Revocation

- A.** The Director may suspend or revoke a permit for failure to comply with this Article or other applicable laws.
B. Before the Director suspends or revokes a permit, the Department shall send the solicitor written notice, explaining:
 1. The reason for suspension or revocation, with citations to supporting statutes or rules;
 2. The solicitor's right to a hearing before suspension or revocation;
 3. The time and place of the hearing concerning the suspension or revocation.**C.** If the Director finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in the order, the Director may summarily suspend the permit pending proceedings for revocation or other action, based on circumstances of the emergency.

R2-11-311. Review of Denial or Summary Suspension

- A.** Under A.R.S. Title 41, Chapter 6, Article 10, an applicant or solicitor may obtain a hearing on a denial or summary suspension.
B. An applicant appealing a denial shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R2-11-305(E).
C. If the Director summarily suspends a permit under R2-11-310(C), the Department shall promptly prepare and serve a notice of hearing under A.R.S. § 41-1092.05.
D. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.

ARTICLE 4. SPECIAL EVENTS

R2-11-401. Definitions

The following definitions apply in this Article:

1. "Special event" or "event" means an assembly, demonstration, display, festival, parade, or rally conducted by a person other than a ceremony, gathering, or press conference conducted by a person authorized by the head of a state agency using the agency's own office space.
2. "Sponsor" means the person holding a special event.

R2-11-402. Unauthorized Special Event Prohibited

A person shall not use state buildings or grounds for a special event without express written permission from the Director.

R2-11-403. Application

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- A. Any person who would like to hold a special event may apply for a permit by filing, either in person or by mail, a Department-approved event application form with the Office of Special Events.
- B. The completed application form shall be submitted at least two days before the desired date of the special event. A completed application form is one that is legible and contains, at a minimum, all of the following information:
 - 1. The name, address, and telephone number of the sponsor;
 - 2. The proposed date of the event and the approximate starting and concluding times;
 - 3. The specific, proposed location for the event;
 - 4. A general description of the event, including equipment and facilities to be used;
 - 5. Approximate number of persons expected to be in attendance;
 - 6. The name, address, and telephone number of the person responsible for clean-up of the area after the activity, if different from the person in subsection (B)(1);
 - 7. The name, address, and telephone number of any chief monitor who will be designated to direct the event;
 - 8. A description of the badge or article of clothing used to identify monitors;
 - 9. A copy of any insurance policy for the special event; and
 - 10. A copy of any contract for medical, sanitary, and security services.
- C. The Director may accept a completed application form submitted less than two days before a press conference if the Director determines that enforcing the two-day requirement would nullify the need for the press conference. In this situation, R2-11-404 does not apply.

R2-11-404. Processing Procedure

- A. Within one day of receiving an application, the Department shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what information is missing.
- B. An applicant with an incomplete application shall supply the missing information within five days after the date of the notice. If the applicant fails to do so, the Department may deny the permit.
- C. Upon receipt of all missing information within five days, as specified in subsection (B), the Department shall notify the applicant that the application is complete.
- D. The Department shall not process an application for a permit until the applicant has fully complied with R2-11-403.
- E. The Director shall render a permit decision no later than one day after receipt of a complete application. The date of receipt is the postmark date of the notice advising the applicant that the application is complete.
- F. For the purpose of A.R.S. § 41-1073, the Department establishes the following permit time-frames:
 - 1. Administrative completeness review time-frame: one day.
 - 2. Substantive review time-frame: one day.
 - 3. Overall time-frame: two days.

R2-11-405. Permit Issuance: Denial

- A. Before issuing a permit, the Director shall review the application.
- B. After consideration of the factors in subsection (C), the Director may issue a permit to an applicant who has:
 - 1. Complied with the application requirements in R2-11-403;
 - 2. Posted any deposit necessary under R2-11-407;
 - 3. Obtained any insurance necessary under R2-11-407; and
 - 4. Submitted evidence that the applicant will provide any medical, sanitary, and security services necessary under R2-11-407. Submission of a copy of the contract for these services will satisfy this requirement.
- C. The Director may deny a permit for one or more of the following reasons:
 - 1. The event interferes with the work of an employee or daily business of an agency;
 - 2. The event conflicts with the time, place, manner, or duration of other events for which permits have been issued or are pending;
 - 3. The event creates a risk of injury or illness to persons or risk of danger to property; or
 - 4. The applicant or permit fails to comply with the requirements of this Article.
- D. A permit shall not be issued earlier than 60 days before the special event.
- E. If the Director denies a permit, the Department shall send the applicant a written notice explaining:
 - 1. The reason for denial, with citations to supporting statutes or rules;
 - 2. The applicant's right to seek a hearing to challenge the denial;
 - 3. The applicant's right to request an informal settlement conference under A.R.S. § 41-1092.06; and
 - 4. The time periods for appealing the denial.

R2-11-406. Monitors

The sponsor shall designate one monitor for every 50 persons expected to be in attendance. The monitors shall wear a uniform, distinctive badge, or a distinctive article of clothing at all times during the event for identification purposes.

R2-11-407. Risk Management

Notices of Emergency Rulemaking

- A. The Director may take one or more of the following actions to the extent it is necessary and in the best interests of the state:
 - 1. Impose conditions on the conduct of the event in the permit;
 - 2. Require the applicant to post a deposit against damage and clean-up expense;
 - 3. Require the applicant to carry liability insurance and provide the certificate of insurance; and
 - 4. Require the applicant to provide medical, sanitary, and security services.
- B. The Director shall consider all of the following criteria to determine whether one or more of the actions in subsection (A) is necessary and in the best interests of the state:
 - 1. Previous experience with similar events;
 - 2. Deposits required for similar events in Arizona;
 - 3. Risk data;
 - 4. Medical, sanitary, and security services required for similar events in Arizona and the cost of those services.
- C. The Department shall not provide insurance or guarantee against damage to equipment or personal property of any person using state buildings or grounds.
- D. If the Director requires insurance for a special event, the sponsor shall list the state of Arizona and the Department of Administration as additional insured entities.
- E. The sponsor is liable to the state for any injury done to its property and for any expense arising out of the sponsor's use of state buildings or grounds.

R2-11-408. Suspension or Revocation

- A. The Director may suspend or revoke a permit for failure to comply with this Article, permit conditions, or other applicable laws.
- B. Before the Director suspends or revokes a permit, the Department shall send the sponsor written notice, explaining:
 - 1. The reason for suspension or revocation, with citations to supporting statutes or rules;
 - 2. The sponsor's right to a hearing before suspension or revocation.
- C. If the Director finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in the order, the Director may summarily suspend a permit pending proceedings for revocation or other action, based on the circumstances of the emergency.

R2-11-409. Review of Denial or Summary Suspension

- A. Under A.R.S. Title 41, Chapter 6, Article 10, an applicant or sponsor may obtain a hearing on a denial or summary suspension.
- B. An applicant appealing a denial shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R2-11-405(E).
- C. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
- D. If the Director summarily suspends a permit under R2-11-408(C), the Department shall promptly prepare and serve a notice of hearing under A.R.S. § 41-1092.05.

ARTICLE 5. SEVERABILITY

R2-11-501. Validity of Rules

If a rule or portion of a rule contained in this Chapter is held unconstitutional or invalid, the holding does not affect the validity of the remaining rules.