

Chapter Adm 2

USE OF STATE BUILDINGS AND FACILITIES

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Note: Chapter Adm 2 as it existed on March 31, 1998, was repealed and a new chapter Adm 2 was created, effective April 1, 1998.

Adm 2.01 Managing authority. The managing authority, as defined in s. 16.845 (2) (b), Stats., of the state office buildings and facilities shall be the department as provided in s. 16.84 (1), Stats. The department, when lessee, shall be the managing authority of properties leased or rented by the state of Wisconsin.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.02 Designation of state office buildings and facilities. (1) The following buildings and facilities are hereby designated as state office buildings and facilities for the purpose of use management under this chapter:

(a) State capitol building, except those rooms reserved by the legislature.

(b) State capitol park.

(c) Any other buildings and facilities currently owned and hereafter constructed, purchased, or acquired by the state including lands and structures acquired for site development, when said buildings, facilities, and lands are under the managing authority of the department.

(2) Real properties leased or rented by the state of Wisconsin with the department as lessee and agent are hereby designated as state office buildings and facilities for the purpose of use management under this chapter. Law enforcement services may be provided for state agencies at such facilities by an agreement with the department.

(3) The executive residence and grounds, 99 Cambridge Road, Village of Maple Bluff, Madison, Wisconsin, is hereby designated as a state building for the purpose of use management under this chapter. The prime use of this building and grounds is as a private residence for the governor of Wisconsin and the managing authority shall permit only public utilization which does not encroach upon the privacy of a residence, and shall permit any utilization only with the consent of the governor.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.03 Definitions. In this chapter:

(1) "Closed building" means the building is not open to public access and access must be gained by key, access card, electronic means or by a representative of the department.

(2) "Commercial enterprise" includes any effort directed at personal or corporate gain, or any sales or solicitation to sell.

(3) "Department" means the department of administration.

(4) "Graphic or artistic material" includes all items introduced to inform, educate, advertise, promote, identify, or decorate.

(5) "Permit" means written permission from the department specifying that a function or act will be authorized at a given location, date, and time in accordance with s. 16.845, Stats.

(6) "Political activity" includes activities of partisan and non-partisan candidates, political organizations and political parties.

(7) "Tenant agency" includes all boards, commissions, departments or bodies connected with state government, housed in a state office building or facility, or in property leased or rented by the department.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.04 Public meetings and events. (1) The department, as managing authority of the state office buildings and facilities, may permit buildings and facilities to be used by any governmental body or official, or any nonprofit, fraternal, religious, or veterans' organization for the purpose of governmental business, public meetings for the free discussion of public questions, or for activities of a broad public purpose if the use:

(a) Does not interfere with the prime use of the building or facility.

(b) Does not unduly burden the managing authority.

(c) Is not a hazard to the safety of the public or state employees nor detrimental to the building or facility.

(d) Does not expose the state to the likelihood of expenses or damages which cannot be recovered.

(e) Is appropriate to the physical context of the building or facility.

(2) An applicant for the use of buildings and facilities shall complete a written application to the department at least 72 hours in advance of the anticipated utilization of the building or facility. In the event of a conflict of requests by 2 or more organizations, the department shall have full discretion when permitting use of state office buildings and facilities.

(3) An applicant for the use of buildings and facilities shall be liable to the state for any injury to the state's property, for any expense arising out of the use, and for such sums as the department may charge for the use as provided in s. 16.845 (1), Stats.

(4) An applicant may charge a reasonable admission fee to the public, subject to the approval and pursuant to the conditions established by the department.

(5) The department and the applicant may not discriminate against any individual on the basis of age, race, creed, color, handicap, marital status, sex, national origin, ancestry, arrest record or conviction record in the utilization of state office buildings and facilities for government business, public meetings for free discussion of public questions, or for civic activities.

(6) The utilization of state office buildings and facilities by an organization shall not imply endorsement or approval by the state of Wisconsin or the department, nor the extension of special privilege. Likewise, the refusal by the department to permit use of a state office building or facility shall not be interpreted as disapproval or censure of any organization, but shall be for any violations of the conditions set forth in sub. (1) (a) to (e).

(7) The granting of permission to use a state office building or facility does not obligate the department to furnish the applicant any service or utilities, or render any support with personnel, equipment, or supplies. The department may furnish assistance

and may charge for any expense arising out of the use of a building or facility. The department may inspect any equipment or apparatus brought in for a public meeting, event or activity, and may limit or prohibit the use of any items which might affect safety or the normal operation of the building.

(8) (a) The department shall grant a permit to any organization filing a written request to hold a ceremony in the state capitol building or on the state capitol park grounds on veterans day, November 11, for the purpose of commemorating the end of hostilities in the nation's wars. If more than one organization applies for a permit, requests submitted by veterans' organization identified in ch. 188, or s. 15.497, Stats., shall be given preference. If more than one veterans' organization applies for a permit, the requests shall be processed and the permits granted in the order in which they were received. Notwithstanding any provision of this subsection, the Madison veterans council shall have first priority if it applies for a permit.

(b) The permit shall be issued for any period requested, including business hours, but not to exceed 2 hours. No 2 veterans organizations may be granted permits for the same time period except for organizations conducting joint ceremonies.

(c) A ceremony under this section may include a band or an orchestra, but may not include the discharge of firearms inside the state capitol building.

Note: An application for use of state office buildings and facilities may be obtained from the Department of Administration, State Capitol Police, P.O. Box 7864, Madison, Wisconsin 53707.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.05 Personal and commercial solicitation.

(1) No person or organization may solicit contributions for charitable or nonprofit organizations within the state office buildings and facilities, upon the grounds thereof, or within state capitol park without express written approval of the department.

(2) No person or organization may solicit to sell or consume sale of any merchandise or service within the state office buildings and facilities, upon the grounds thereof, or within state capitol park without the express written approval of the department.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.06 Handbills and other literature.

(1) No handbills, literature, promotional materials or devices which advertise, promote or identify a commercial enterprise may be distributed within or on the grounds of the state office buildings and facilities or on the grounds of state capitol park without the express written authority of the department. The department may enforce the size, advertising message and location for distribution of permitted materials.

(2) No person may litter in any state building or facility, or on state grounds by the distribution of handbills, literature, promotional materials or devices. Regulation of conduct in respect to littering shall be under the provision of s. 16.84 (2), Stats., and the respective anti-litter ordinances of the municipalities in which state office buildings and facilities are located.

(3) If the department approves a request to distribute handbills, literature or promotional materials on or in buildings and facilities managed or leased by the department, the department shall designate the time and location for the distribution.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.07 Exterior and interior displays and decorations.

(1) **FLAGS.** The United States flag and the flag of the state of Wisconsin shall be the only flags flown, hung, or displayed from any state office building or facility, except as the governor may direct.

(2) **DISPLAYS AND DECORATIONS.** No displays, signs, banners, placards, decorations or graphic or artistic material may be erected, attached, mounted or displayed within or on the building or the grounds of any state office building or facility without the

express written authority of the department. Any graphic or artistic material advertising, promoting, or identifying a commercial enterprise or a political activity is prohibited except as indicated in sub. (4). Any unauthorized material shall be removed and disposed of by the department. The department may set reasonable time limits on permitted activities.

(3) **UNAUTHORIZED MATERIAL.** The use of stickers, labels, cellophane pressure sensitive tape, screws, nails or any other mounting technique adversely affecting the structural or decorative integrity of a state office building or facility is prohibited. Where there has been a violation, the material will be immediately removed and the cost of restoration may be charged to the person or agency responsible.

(4) **DEPARTMENT APPROVAL.** Commercial organizations sponsoring a non-profit event may be acknowledged during that event with permission of the department. The department may specify the size and location of any display, sign, banner or graphic and artistic material, as indicated in sub. (2).

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.08 Introduction of equipment and hazards.

(1) To provide a place of employment that is safe for employees and frequenters thereof, pursuant to s. 101.11, Stats., the department shall have the right to confiscate and dispose of any hazard to the life, health, safety or welfare of state employees or the public. The department shall have the right to correct or eliminate any hazardous situation arising out of any action by a tenant agency or individual and to charge the tenant agency or individual for costs incurred to correct or eliminate any hazardous situation or practice by a tenant agency. These hazards include, but are not limited to, the following:

(a) Supplies, goods or materials stored in the public corridors of the buildings and facilities managed or leased by the department.

(b) Any equipment, apparatus or machines which fail to comply with the state administrative code and local fire code, unless exempted. All equipment shall be approved by the department prior to delivery and installation.

(c) Any personal property introduced into buildings and facilities managed or leased by the department if the operation of said property is dependent upon the electrical or other utility service of the building, without prior express written approval of the department. The department shall not be liable for any personal property located within buildings and grounds controlled by the department regardless of whether the property is or is not permitted.

(d) Holiday trees or holiday decorations introduced in buildings and facilities managed or leased by the department without the approval of the department.

(e) Parked bicycles as defined in s. 340.01 (5), Stats., mopeds as defined in s. 340.01 (29m), Stats., motor bicycles as defined in s. 340.01 (30), Stats., and motorcycles as defined in s. 340.01 (32), Stats., on or in buildings and facilities managed or leased by the department, except in designated parking stalls or bicycle racks. State-owned two- and three-wheeled cycles are exempt from the provisions of this section.

(f) The introduction or use of equipment that causes interference to electrical and mechanical systems in buildings and facilities managed or leased by the department, or creates a condition in violation of state administrative code. Violators may be responsible for all costs incurred by the department for any violations.

(2) A tenant agency shall not allow materials to accumulate in buildings and facilities managed or leased by the department in such a way as to create a hazard or to interfere with the efficient operation or maintenance of ventilation or other building systems.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.09 Leasehold improvements. A tenant shall not make leasehold improvements nor introduce window treatments,

floor coverings or private property in a building or facility managed or leased by the department without the express written approval of the managing authority. Leasehold improvements include, but are not limited to, structural changes or modifications, systems furniture work stations, or additions and changes in lighting, heating, ventilation, telephone systems and data networks. Title to approved leasehold improvements shall remain with the managing authority regardless of the source of funds. Window treatments and floor coverings include, but are not limited to, drapes, blinds, rugs and carpeting. Private personal property includes furniture and other furnishings not owned by the state. Contractors hired by tenant agencies to install or maintain leasehold improvements shall be approved by the managing authority and shall report each day to the managing authority prior to starting work.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.10 Furniture and other furnishings. Furniture and other furnishings purchased from building project funds or department appropriations shall remain an asset of the building under the direction of the managing authority. When a tenant agency moves, it may take only those items of furniture and equipment purchased from its agency funds.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.11 Confiscation of materials. Property confiscated by the department for violation of this chapter shall be stored by the managing authority until the owner provides proof of ownership.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.12 Concessions. (1) The establishment of concession stands and the granting of vending franchises in buildings and facilities managed or leased by the department rest with the business enterprise program for blind persons, division of vocational rehabilitation, department of workforce development, as specified in s. 47.03, Stats. No other concession stands or vending machines may be operated in the state office buildings and facilities.

(2) The business enterprise program for blind persons, division of vocational rehabilitation, department of workforce development, shall be tendered the opportunity to establish concession stands and vending franchises under s. 47.03 (5) and (7), Stats., in buildings and facilities leased or rented by the department when the lease permits the activity and a need is apparent. If the business enterprise program for blind persons declines the option, the department may negotiate a vending machine franchise with profits, if any, deposited in the general fund.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.13 Building use during closed periods. (1) The buildings and facilities managed or leased by the department shall be used by state employees for the purpose of state work. Employees, vendors on state contract, and the public who use the buildings and facilities after those buildings are locked and secured by the managing authority, shall have express written permission of the managing authority.

(2) The tenant agency shall be responsible for any costs incurred by the department due to the actions of employees, visitors and vendors permitted into buildings and facilities managed or leased by the department by employees of tenant agencies when the buildings and facilities are closed.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.14 Rules of conduct. (1) The following definitions shall apply under this section:

(a) "Alcoholic beverage" has the meaning given in s. 125.02 (1), Stats.

(b) "Cannabis" means the resin extracted from any part of the plant *Cannabis sativa* L., or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.

(c) "Casually possess" means the possession of not more than 28 grams of cannabis or 112 grams of marijuana.

(d) "Drug paraphernalia" means all equipment, products and materials of any kind as defined in s. 961.571, Stats.

(e) "Handout" means food, clothing, money or other item of value donated to a person.

(f) "Marijuana" means all parts of the plant *cannabis Sativa* L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or coke, or the sterilized seed of the plant which is incapable of germination.

(g) "Panhandle" means to beg for money.

(h) "Practitioner" means all of the following:

1. A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

2. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

(i) "Prostitution" means the solicitation for or acceptance of payment for sexual services.

(j) "Public place" means a place which is in public ownership or a place to which the public has access, as distinguished from a private place.

(2) Pursuant to s. 16.846, Stats., whoever does any of the following shall be subject to a forfeiture of not more than \$500:

(a) Without a permit, possesses an open container which contains an alcoholic beverage on the grounds or in public places of those buildings and facilities managed or leased by the department.

(b) Without a permit, consumes alcoholic beverages on the grounds or in those buildings and facilities managed or leased by the department.

(c) Smokes a cigarette, a pipe or a cigar in any area which is not designated by sign as a smoking area in those buildings and facilities managed or leased by the department.

(d) Without authorization, enters private offices or nonpublic areas in those buildings and facilities managed or leased by the department.

(e) Without the express written approval of the department, uses a public address system or sound amplification system in those buildings and facilities managed or leased by the department.

(f) Fails to comply with any existing noise ordinances of the communities in which those buildings and facilities managed or leased by the department are located unless specified by the department. The department shall first notify the party responsible for the sound amplification equipment or public address system to reduce the level to the prescribed decibel level.

(g) Fails or refuses to return access devices pursuant to s. Adm 2.15.

(h) With the intent to annoy another, makes a telephone call from or to a telephone located in those buildings and facilities managed or leased by the department or on state properties surrounding those buildings, whether or not conversation ensues.

(i) Procures or attempts to procure a handout from another person in a manner or under circumstances manifesting an express or implied threat of coercion. Among the circumstances which may be considered in determining whether such purpose is manifested are any of the following:

1. The person is a known panhandler.

2. The person repeatedly and in a threatening fashion beckons to, stops or attempts to stop passersby.

3. The person engages passersby in threatening conversation.

4. The person utilizes threatening bodily gestures.

(im) The violator's conduct must demonstrate a specific intent to induce, solicit or procure goods or money from another person by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords the person an opportunity to explain their conduct.

(j) Brings a live animal into those buildings and facilities managed or leased by the department, with the exception of dogs used to assist physically disabled individuals or with the express written permission of the department.

(k) Engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances where the conduct tends to cause or provoke a disturbance in public places or private areas in those buildings and facilities managed or leased by the department, or on state properties surrounding those buildings.

(L) For the owner or keeper of any animal, permits the same to run at large in those buildings and facilities managed or leased by the department, or on state properties surrounding those buildings. Animals shall be deemed at large unless under the control of a person or restrained by means of a chain, rope or cord of sufficient strength and of a length not to exceed six feet to control the action of the animal. The department may prohibit animals at certain public events upon notification to the public.

(m) Without a permit, operates devices such as skateboards, coasters, roller-skates, sleds, toboggans or other similar devices, in those buildings and facilities managed or leased by the department, or on state properties surrounding those buildings.

(n) Loiters in or near any thoroughfare or public place in a manner and under circumstances for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are the following:

1. The person is a known prostitute or panderer.
2. The person repeatedly beckons to, stops, or attempts to stop or engages male or female passersby in conversation.
3. The person repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gestures.

(nm) The violator's conduct must be such to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer affords the person an opportunity to explain their conduct.

(o) Urinates or defecates in areas that are not officially identified for that purpose in buildings or facilities managed or leased by the department, or on properties surrounding those buildings.

(p) Enters a locked building or facility managed or leased by the department, or on the grounds surrounding the executive residence, without the approval of the department or the tenant agency.

(q) Scales or attempts to scale exterior walls of those buildings and facilities managed or leased by the department.

(r) Casually possess marijuana or cannabis in a public place unless the marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of their professional practice.

(s) Uses or possesses with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

(t) Builds a fire or burns materials in buildings and facilities managed or leased by the department or the grounds that surround them without the express permission of the department.

(u) Willfully, maliciously or wantonly defaces, injures or destroys any public or private property of another in buildings and facilities managed or leased by the department or on the grounds that surround them.

(v) Without approval of the department, conducts a picket, rally, parade or demonstration in those buildings and facilities managed or leased by the department or on properties surrounding those buildings. In order to preserve the order which is necessary for the enjoyment of freedom by occupants of the buildings and facilities, and in order to prevent activities which physically obstruct access to department lands and buildings or prevent the state from carrying on its instructional, research, public service, or administrative functions, any picketing, rally, parade, demonstration, other assembly, or congregation of spectators to the activity may be declared unlawful if its participants:

1. Intentionally gather, or intentionally remain assembled outside any building or facility managed or leased by the department in any numbers, in any proximity to each other, or in any fashion as to physically hinder entrance to, exit from, or normal use of the building.

2. Intentionally congregate or assemble within any building or facility managed or leased by the department in any fashion as to obstruct or seriously impair state-sponsored or state-authorized activities.

3. Enter the private office of any state employee, unless invited by the authorized occupant of that office, and then not in excess of the number of visitors designated or invited by the person.

4. Obstruct or seriously impair passage through corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices in buildings and facilities managed or leased by the department.

5. Enter or occupy any building or facility managed or leased by the department, without authorization from the person in immediate charge of any room in the building, or by a person designated to approve requests for the use of rooms for meetings.

6. Assemble immediately outside rooms in any building or facility managed or leased by the department at times when they are normally in use for state business.

7. Bring signs supported by standards or sticks into a building or facility managed or leased by the department.

8. Intentionally create a volume of noise that unreasonably interferes with department-sponsored or authorized activities.

9. Intentionally employ force or violence, or intentionally threaten the immediate use of force or violence, against state employees or officials when in buildings or facilities managed or leased by the department.

a. In this section "intentionally" means that the participant or spectator knew, or reasonably should have known, that the participant's or spectator's conduct by itself or in conjunction with the conduct of others would have the prohibited effect.

b. The department may designate a state official or officials who shall have primary authority to implement this paragraph. The official shall prescribe limitations for any picketing, rally, parade, demonstration or other assembly in order to meet the requirements of this paragraph. When informed of any picketing, rally, parade, demonstration, or other assembly, the department official or designee may proceed immediately to the site to determine if there is compliance with this paragraph. If the official prescribes limitations, and those limitations are not observed by the assembly, the official may then declare the assembly unlawful. Any declaration of illegality or prescription of limitations shall be effective and binding upon the participants in the assembly, unless and until modified or reversed.

c. Any participant or spectator within the group constituting an unlawful assembly, who intentionally fails or refuses to withdraw from the assembly after it has been declared unlawful, shall be subject to the penalties identified in sub. (2) (intro.).

(w) Possesses fireworks, as defined in s. 167.10 (1), Stats., on state property without authorization from the department.

(x) Without consent, intentionally takes, carries away, uses, transfers, conceals, or retains possession of another person's property valued at \$100 or less.

(y) Knowingly gives false information to a state police or a security officer, with the intent to mislead the officer in the performance of their duty.

(z) Camps in buildings and facilities managed or leased by the department, or on the grounds that surround them, without the express written approval of the department. No person may place or erect any facility or structure in or on the buildings, facilities or grounds which surround them.

(za) Parks or stores a bicycle in buildings, on sidewalks or driveways, or in motor vehicle parking spaces. Bicycles shall be parked in areas designated for that purpose or in bicycle racks so as not to obstruct free passage of vehicles and pedestrians.

(zb) Dumps any waste, trash, debris, rubbish, earth or other fill,

at any buildings or facilities managed or leased by the department, or in a department collection device without authorization from the department unless the material was collected at the building or facility. This paragraph does not restrict the proper disposal of incidental litter.

(zc) Removes any shrubs, vegetation, wood, timber, rocks, stone, earth, signs, fences, or other materials from buildings and facilities managed or leased by the department, unless authorized by the department.

(zd) Engages in conduct otherwise prohibited by this chapter without the express written approval of the department.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.

Adm 2.15 Access devices. (1) No person may, without written authorization from the department, duplicate keys, electronic building access cards, or other similar access devices to buildings or facilities managed or leased by the department.

(2) Access devices in the possession of unauthorized persons shall be returned to the department.

(3) Upon termination of employment with the state, an employe shall return to the department all access devices issued to the employe by the department.

History: Cr. Register, March, 1998, No. 507, eff. 4-1-98.