

Chapter 200-220 WAC
USE OF THE PUBLIC AREAS OF THE CAPITOL BUILDINGS AND GROUNDS

Last Update: 3/6/23

WAC

GENERAL PROVISIONS

200-220-010 Purpose.
200-220-020 Nondiscrimination.
200-220-030 Definitions.

PERMIT APPLICATION REQUIREMENTS

200-220-100 Do I need to apply for a permit?
200-220-110 When do I have to apply?
200-220-120 What information do I have to provide?
200-220-130 How long will it take to make a decision on my application?
200-220-140 How will enterprise services make a decision on my application?
200-220-150 How can I appeal a denial of my application?

GENERAL USE REQUIREMENTS

200-220-200 General use requirements.
200-220-210 Enterprise services may set reasonable time, place, and manner limits on activities.
200-220-215 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business.
200-220-220 Activities may not disrupt the conduct of government business.
200-220-230 Activities may not obstruct safe access for people or vehicles.
200-220-233 Demonstrations, parades—Obstructing traffic, state business—Prohibiting.
200-220-237 Special event permits.
200-220-240 Activities may not create a hazard to people or damage to property.
200-220-243 Camping on state capitol grounds.
200-220-244 Advertising and solicitation activities.
200-220-245 Prohibiting access to areas of capitol grounds.
200-220-247 Regulating access to capitol buildings and parking garages.
200-220-250 Service animals are allowed.
200-220-260 Permits are not transferable.
200-220-270 Enterprise services may cancel a permit.
200-220-280 Enterprise services may limit use at any time due to unforeseen operational circumstances.

FREE SPEECH AND ASSEMBLY ACTIVITIES

200-220-300 Exercise of rights to free speech and assembly.
200-220-310 There is no fee for free speech and assembly activity permits.
200-220-320 Enterprise services may set reasonable time, place, and manner limits on free speech and assembly activities.

PRIVATE AND COMMERCIAL ACTIVITIES

200-220-400 Private and commercial activities may be permitted if consistent with state government needs.
200-220-410 Private and commercial activities may be charged applicable fees.
200-220-420 Enterprise services may set reasonable time, place, and manner limits on private and commercial activities.
200-220-430 Enterprise services may require additional conditions for private and commercial activities.

ENFORCEMENT, EXCLUSION, AND APPEAL

200-220-600 Authority to enforce.
200-220-610 Warning of potential exclusion from capitol campus or areas thereof.
200-220-620 Exclusion from capitol campus or areas thereof.

GENERAL PROVISIONS

WAC 200-220-010 Purpose. These rules guide the use of the public areas of the capitol buildings and grounds by the public for free speech and assembly activities, for commercial activities, and for private activities. Enterprise services' objective is to balance the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds. These rules are not applicable to the conduct of government.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-010, filed 11/13/15, effective 12/14/15.]

Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-010, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-010, filed 10/30/09, effective 11/30/09.]

WAC 200-220-020 Nondiscrimination. Enterprise services will not discriminate in the application of these rules on the basis of race, religion or creed, color, national origin, age, disability, the use of a service animal, marital status, veteran's status, sexual orientation or gender identity, or political viewpoint.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-020, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-020, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-020, filed 10/30/09, effective 11/30/09.]

(Effective until June 6, 2023)

WAC 200-220-030 Definitions. For purposes of these rules, these words or phrases have the following meaning:

(1) "Activity" means one or more people gathering for a common purpose or cause.

(2) "Applicant," "I," "you" or "your" refers to any person(s) or organization(s) seeking permission to use the public areas of the capitol buildings and grounds.

(3) "Banners and signs" means pieces of material presented publicly to display a message, slogan, advertisement, or other similar information. Government-recognized flags are not considered banners or signs for purposes of these rules.

(4) "Capitol buildings and grounds" means those buildings and grounds over which the department of enterprise services exercises custody and control under RCW 43.19.125.

(a) "Buildings" means enclosed buildings and adjoining structures. Buildings include, but are not limited to, the Legislative Building, the Temple of Justice, the Old Capitol Building, and the Natural Resources Building.

(b) "Grounds" means exterior spaces including, but not limited to, walkways, plazas, lawns, plantings and parks.

The grounds include such locations as the capitol campus, Heritage Park, Marathon Park, Centennial Park, Sylvester Park, the surface and shores of Capitol Lake, and Deschutes Parkway.

(5) "Commercial activity" means an activity that promotes, creates, or exchanges commercial products or services. Commercial activities include, but are not limited to, advertising, fund-raising, buying or selling any product or service, encouraging paid membership in any group, association or organization, or the marketing of commercial activities. Commercial activities do not include such activities by or for government entities.

(6) "Director" means the director of the department of enterprise services.

(7) "Exhibit" or "display" means an object or collection of objects presented publicly with the intention to communicate facts, a

particular impression, a viewpoint or an opinion. Exhibits or displays include, but are not limited to, paintings, sculpture, ceramics, photographs, video or computer screens, informational booths and tables, or other similar objects and arrangements. Exhibits and displays do not include equipment used in the performance of medical or therapeutic services during a permitted activity, such as a blood drive, delivering flu shots, or administering a therapeutic massage.

(8) "Free speech and assembly activity" means an activity for the purpose of communicating information or ideas to others that will draw the attention, attendance, or participation of others. Free speech and assembly activities include, but are not limited to, assemblies, marches, rallies, performances, community events, press conferences, demonstrations, celebrations, ceremonies, speeches and other similar expressive activities.

(9) "Enterprise services," "department," "us," or "we" refers to the department of enterprise services.

(10) "Permit" means a written permit issued by the department of enterprise services authorizing the use of public areas of the capitol buildings and grounds as required by these rules.

(11) "Private activity" means an activity sponsored by a private individual, business or organization that is not open to the general public. Private activities include, but are not limited to, banquets, receptions, award ceremonies, weddings, concerts, dances, and seminars.

(12) "Public area" means those areas of the capitol buildings and grounds that are generally open to the public, such as a building's primary public entrance lobby; rotundas and adjoining public mezzanines; and exterior plazas and lawns. Public areas do not include offices, meeting rooms, and other work areas that are ordinarily reserved for or primarily devoted to conducting the business and operations of state government; the governor's mansion; and any area which is identified by a sign pursuant to WAC 200-200-450 indicating that the area is not open to the public.

(13) "Service animal" means an animal, including guide dogs, trained to do work or perform tasks for the benefit of a person with a disability, as defined by applicable state and/or federal laws.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-030, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-030, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-030, filed 10/30/09, effective 11/30/09.]

(Effective June 6, 2023)

WAC 200-220-030 Definitions. For purposes of these rules, these words or phrases have the following meaning:

(1) "Activity" means one or more people gathering for a common purpose or cause.

(2) "Applicant," "I," "you" or "your" refers to any person(s) or organization(s) seeking permission to use the public areas of the capitol buildings and grounds.

(3) "Banners and signs" means pieces of material presented publicly to display a message, slogan, advertisement, or other similar

information. Government-recognized flags are not considered banners or signs for purposes of these rules.

(4) "Capitol buildings and grounds" means those buildings and grounds over which the department of enterprise services exercises custody and control under RCW 43.19.125.

(a) "Buildings" means enclosed buildings and adjoining structures. Buildings include, but are not limited to, the Legislative Building, the Temple of Justice, the Old Capitol Building, and the Natural Resources Building.

(b) "Grounds" means exterior spaces including, but not limited to, walkways, plazas, lawns, plantings and parks.

The grounds include such locations as the capitol campus, Heritage Park, Marathon Park, Centennial Park, Sylvester Park, the surface and shores of Capitol Lake, and Deschutes Parkway.

(5) "Commercial activity" means an activity that promotes, creates, or exchanges commercial products or services. Commercial activities include, but are not limited to, advertising, fund-raising, buying or selling any product or service, encouraging paid membership in any group, association or organization, or the marketing of commercial activities. Commercial activities do not include such activities by or for government entities.

(6) "Director" means the director of the department of enterprise services.

(7) "Enterprise services," "department," "us," or "we" refers to the department of enterprise services.

(8) "Exhibit" or "display" means an object or collection of objects presented publicly with the intention to communicate facts, a particular impression, a viewpoint or an opinion. Exhibits or displays include, but are not limited to, paintings, sculpture, ceramics, photographs, video or computer screens, informational booths and tables, or other similar objects and arrangements. Exhibits and displays do not include equipment used in the performance of medical or therapeutic services during a permitted activity, such as a blood drive, delivering flu shots, or administering a therapeutic massage.

(9) "Free speech and assembly activity" means an activity for the purpose of communicating information or ideas to others that will draw the attention, attendance, or participation of others. Free speech and assembly activities include, but are not limited to, assemblies, marches, rallies, performances, community events, press conferences, demonstrations, celebrations, ceremonies, speeches and other similar expressive activities.

(10) "Permit" means a written permit issued by the department of enterprise services authorizing the use of public areas of the capitol buildings and grounds as required by these rules.

(11) "Private activity" means an activity sponsored by a private individual, business or organization that is not open to the general public. Private activities include, but are not limited to, banquets, receptions, award ceremonies, weddings, concerts, dances, and seminars.

(12) "Public area" means those areas of the capitol buildings and grounds that are generally open to the public, such as a building's primary public entrance lobby; rotundas and adjoining public mezzanines; and exterior plazas and lawns. Public areas do not include offices, meeting rooms, and other work areas that are ordinarily reserved for or primarily devoted to conducting the business and operations of state government; the governor's mansion; and any area which

is identified by a sign pursuant to WAC 200-200-450 indicating that the area is not open to the public.

(13) "Service animal" means an animal, including guide dogs, trained to do work or perform tasks for the benefit of a person with a disability, as defined by applicable state and/or federal laws.

[Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 23-07-028, § 200-220-030, filed 3/6/23, effective 6/6/23. Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-030, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-030, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-030, filed 10/30/09, effective 11/30/09.]

PERMIT APPLICATION REQUIREMENTS

WAC 200-220-100 Do I need to apply for a permit? A permit process is essential to balancing the conduct of government business, public access and expression, and the stewardship of the historic capitol buildings and grounds. A permit enables you to reserve access to specific locations and amenities for specific times, so that the department can schedule and manage the many activities and visitors that come to the capitol buildings and grounds each year.

You do not need a permit for free speech and assembly activities involving less than twenty-five people in capitol buildings or involving less than seventy-five people on the capitol grounds.

You must obtain a permit for free speech and assembly activities involving twenty-five or more people in capitol buildings or more than seventy-five people on the capitol grounds, and for all private or commercial activities.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-100, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-100, filed 10/30/09, effective 11/30/09.]

WAC 200-220-110 When do I have to apply? You must give us a completed application at least two full working days prior to the date that you wish to reserve if your activity requires a permit. Saturdays, Sundays, and state holidays are not working days, and the day you submit your application does not count as a working day. For example, you must submit your application by the close of business on Monday to hold an event on the following Thursday, and you must submit your application by the close of business on Wednesday to hold an event on the following Saturday, Sunday, or Monday.

You may not submit an application more than one year in advance of the date that you wish to reserve.

A permit is not required for a spontaneous activity in response to news or events coming into public knowledge which precludes meeting the two day advance notice requirement; however, you must notify us of your activity at least two hours in advance during working hours so that we can determine if there are conflicts with other permitted activities.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-110, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-110, filed 10/30/09, effective 11/30/09.]

WAC 200-220-120 What information do I have to provide? (1) On your application, you must provide the following information:

(a) Your name, mailing address, and a current email address or telephone number.

(b) Your desired date, time, duration, and location for your activity.

(c) A description of the nature and type of activity.

(d) An estimate of the number of people who will attend your activity.

(e) A description of any equipment or gear to be used for your activity.

(2) We may also require additional information, including but not limited to:

(a) Any special consideration or accommodations being requested; and

(b) Any services provided by enterprise services that you will need and for which there are fees. These may include, but are not limited to, custodial services, sound or electrical equipment set-up or tear-down, or temporary amenities such as speaker stands, tents, platforms, stages, or chairs.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-120, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-120, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-120, filed 10/30/09, effective 11/30/09.]

WAC 200-220-130 How long will it take to make a decision on my application? We will issue your permit or deny your application as promptly as reasonably possible, and in all cases within two full working days of receiving your completed application form. We will state the reasons for any denial to you in writing.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-130, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-130, filed 10/30/09, effective 11/30/09.]

WAC 200-220-140 How will enterprise services make a decision on my application? First priority for the use of capitol buildings and grounds is for state government activities. If there would be no conflict with state government activities, we will process permit applications for other uses on a first-come, first-served basis.

We will also consider whether your requested activity complies with our general use requirements (WAC 200-220-200 through

200-220-280) and any other applicable requirements set forth in this chapter.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-140, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-140, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-140, filed 10/30/09, effective 11/30/09.]

WAC 200-220-150 How can I appeal a denial of my application? To appeal a denial of your application, you must submit your appeal in writing to the director of enterprise services within five full working days of the date of denial. Your appeal must state why you think the application was improperly denied.

The director will issue a decision on the appeal in writing within three full working days of receiving it, and this will be the final decision of the department of enterprise services.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-150, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-150, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-150, filed 10/30/09, effective 11/30/09.]

GENERAL USE REQUIREMENTS

WAC 200-220-200 General use requirements. The following general use requirements apply to all activities in the public areas of the capitol buildings and grounds, including free speech and assembly activities and private or commercial activities, regardless of whether a permit is required under this chapter. These requirements are not applicable to government activities. These requirements facilitate use of the public areas of the capitol buildings and grounds while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

All activities in the public areas of the capitol buildings and grounds must comply with all applicable laws, rules and regulations.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-200, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-200, filed 10/30/09, effective 11/30/09.]

WAC 200-220-210 Enterprise services may set reasonable time, place, and manner limits on activities. We may establish reasonable time, place, and manner restrictions for use of the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such considerations. We may make further de-

tails about such reasonable time, place, and manner restrictions available for public inspection during normal business hours or post them where appropriate. These may include, but are not limited to:

- (1) Time and duration available for use;
- (2) The maximum number of people or vehicles allowed at any particular location for any given time or period; and
- (3) Locations available for use.

We will not permit an activity that would conflict with the date, time, or location of a previously permitted activity. We may recommend to you other options for dates, times, or locations if your request would conflict with a previously permitted activity.

No exhibits or displays may be placed in, or posted or affixed to, any capitol building.

Banners and signs may be used during an activity in a capitol building only if they are handheld and not affixed to sticks or poles. We will allow you to post way-finding signs during your permitted activity, subject to reasonable time, place, and manner limits.

You may place or post banners, signs, exhibits or displays on the capitol grounds. Such items must be removed at the end of the activity. Such items must identify the sponsor and contain a disclaimer stating that the items are not owned, maintained, promoted, or supported by or associated with the state. The state assumes no liability for loss or damage to such items.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-210, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-210, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-210, filed 10/30/09, effective 11/30/09.]

WAC 200-220-215 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business. (1) No person shall carry any firearm or other dangerous weapon as described in chapter 9.41 RCW on the state capitol grounds or in any building on the state capitol grounds: Provided, That this regulation shall not apply to duly authorized federal, state, and local law enforcement officers or to any federal, state, and local government employee authorized to carry firearms in the course of their public employment; and: Provided, That a person may carry a firearm in accordance with chapter 9.41 RCW.

(2) No person may carry into any building on the state capitol grounds any voice-amplification equipment, blow horns, sirens, or other similar noise-producing devices which may be used to disrupt the conduct of state business by state employees.

[WSR 19-14-004, recodified as § 200-220-215, filed 6/20/19, effective 6/20/19. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-470, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.011, 43.19.125, and 46.08.150. WSR 04-24-080, § 236-12-470, filed 12/1/04, effective 1/1/05. Statutory Authority: RCW 43.17.060, 43.19.125 and 46.08.150. WSR 99-19-022, § 236-12-470, filed 9/7/99, effective 10/8/99; WSR 81-11-001 (Order 81-1), § 236-12-470, filed 5/7/81; Order 76-7, § 236-12-470, filed 10/18/76.]

WAC 200-220-220 Activities may not disrupt the conduct of government business. You may not engage in any activity that unreasonably disrupts, conflicts with, or interferes with the normal conduct of any state business, meeting, or proceeding.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-220, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-220, filed 10/30/09, effective 11/30/09.]

WAC 200-220-230 Activities may not obstruct safe access for people or vehicles. You may not unreasonably obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people or vehicles.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-230, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-230, filed 10/30/09, effective 11/30/09.]

WAC 200-220-233 Demonstrations, parades—Obstructing traffic, state business—Prohibiting. No person singly, or in combination with others, shall engage in demonstrations, parades, or other similar activities in such a manner as to unreasonably disrupt the orderly flow of pedestrian or vehicular traffic on the state capitol grounds or the conduct of state business by state employees on the state capitol grounds or in any buildings on the state capitol grounds.

[WSR 19-14-004, § 200-220-233, filed 6/20/19, effective 6/20/19. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-430, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-12-430, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 43.17.060, 43.19.125 and 46.08.150. WSR 81-11-001 (Order 81-1), § 236-12-430, filed 5/7/81; Order 12, § 236-12-430, filed 12/19/73; Order 4, § 236-12-430, filed 2/10/69; Emergency Order 2, § 236-12-430, filed 12/18/68.]

WAC 200-220-237 Special event permits. Any state official, agency or department sponsoring or making arrangements for conferences, meetings, schools, seminars or other special events which will require special traffic control and parking arrangements will confer with the director as to such arrangements.

[WSR 19-14-004, recodified as § 200-220-237, filed 6/20/19, effective 6/20/19. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-250, filed 11/17/11, effective 11/17/11; Order 12, § 236-12-250, filed 12/19/73; § 20, filed 8/19/64.]

WAC 200-220-240 Activities may not create a hazard to people or damage to property. We will not permit activities in any location where the activities would present a hazard to people or property.

You may not alter or cause damage to capitol buildings or grounds.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-240, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-240, filed 10/30/09, effective 11/30/09.]

WAC 200-220-243 Camping on state capitol grounds. Camping on the state capitol grounds is prohibited unless permitted by the director. Camping means arranging any type of structure, shelter or bedding, or parking a vehicle, for purposes of habitation.

[WSR 19-14-004, recodified as § 200-220-243, filed 6/20/19, effective 6/20/19. Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-200-435, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-435, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19011 [43.19.011], 43.19.125, and 46.08.150. WSR 03-24-089, § 236-12-435, filed 12/3/03, effective 1/3/04.]

WAC 200-220-244 Advertising and solicitation activities. No advertising, solicitation, or promotional activities shall be conducted or engaged in on any portion of the state capitol grounds in such a manner as to damage or destroy public property, block or close off road ways and parking areas, block or interfere with ingress and egress to the state capitol grounds or to any building situated thereon, or in any manner interfere with the conduct of state government business. Advertising and solicitation for commercial purposes shall not be conducted or engaged in on any portion of the state capitol grounds except with prior approval of the director.

[WSR 19-14-004, recodified as § 200-220-244, filed 6/20/19, effective 6/20/19. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-150, filed 11/17/11, effective 11/17/11; Order 76-2, § 236-12-150, filed 3/15/76; Order 12, § 236-12-150, filed 12/19/73; § 14, filed 8/19/64.]

WAC 200-220-245 Prohibiting access to areas of capitol grounds. No member of the general public shall be permitted in any area of the state capitol grounds which is identified by a sign indicating that such area is private and not open to the public.

[WSR 19-14-004, recodified as § 200-220-245, filed 6/20/19, effective 6/20/19. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-450, filed 11/17/11, effective 11/17/11; Order 12, § 236-12-450, filed 12/19/73; Order 3, § 236-12-450, filed 2/10/69; Emergency Order 1, § 236-12-450, filed 12/18/68.]

WAC 200-220-247 Regulating access to capitol buildings and parking garages. No person shall enter or remain in any state capitol building other than during normal office hours, unless properly au-

thorized to do so. No person shall enter or remain in any state capitol parking garage at any time, unless properly authorized to do so.

[WSR 19-14-004, recodified as § 200-220-247, filed 6/20/19, effective 6/20/19. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-200-460, filed 11/17/11, effective 11/17/11; Order 76-2, § 236-12-460, filed 3/15/76; Order 12, § 236-12-460, filed 12/19/73.]

WAC 200-220-250 Service animals are allowed. You may have service animals in the public areas of the capitol buildings and grounds. You may not have other pets or domestic animals in the public areas of capitol buildings, except as part of the conduct of state government business.

You may have pets or domestic animals in the public areas of the capitol grounds; however, you must keep them under your direct physical control and clean up after them at all times. If the director designates off-leash areas in the public areas of the capitol grounds, any such areas will be clearly posted.

You may not allow your pet or domestic animal to menace or injure other people or animals.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-250, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-250, filed 10/30/09, effective 11/30/09.]

WAC 200-220-260 Permits are not transferable. You may not transfer your permit to another person or organization. Your permitted activities may only be held in the area and during the time period designated by the permit.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-260, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-260, filed 10/30/09, effective 11/30/09.]

WAC 200-220-270 Enterprise services may cancel a permit. We may cancel your permit at any time if your activity does not comply with any applicable laws and rules or the terms of the permit. If your permit is canceled and you persist in your activity, you may be subject to appropriate law enforcement action.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-270, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-270, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-270, filed 10/30/09, effective 11/30/09.]

WAC 200-220-280 Enterprise services may limit use at any time due to unforeseen operational circumstances. We reserve the right to cancel a permit or limit use of the public areas of the capitol build-

ings and grounds at any time due to unforeseen operational circumstances, including, but not limited to, urgent security concerns, emergency repairs, or other necessary state government activities. We will make reasonable efforts to alleviate the effects of such circumstances on permitted activities.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-280, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-280, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-280, filed 10/30/09, effective 11/30/09.]

FREE SPEECH AND ASSEMBLY ACTIVITIES

WAC 200-220-300 Exercise of rights to free speech and assembly.

People have the right to exercise their rights to free speech and assembly at the capitol buildings and grounds, subject to reasonable time, place, and manner limits. In addition to our general use requirements described above, the following requirements facilitate use of the public areas of the capitol buildings and grounds, regardless of whether a permit is required under this chapter, while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-300, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-300, filed 10/30/09, effective 11/30/09.]

WAC 200-220-310 There is no fee for free speech and assembly activity permits. There is no fee for a permit for free speech and assembly activities. However, you may be responsible for paying for any services provided by enterprise services that you will need (such as for equipment set-up or custodial services). In order to manage our services effectively, you must submit your request for our services at least five full working days prior to your activity, regardless of when you submit your permit application for your activity.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-310, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-310, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-310, filed 10/30/09, effective 11/30/09.]

WAC 200-220-320 Enterprise services may set reasonable time, place, and manner limits on free speech and assembly activities. We may set reasonable time, place, and manner limits on free speech and assembly activities in the public areas of the capitol buildings and

grounds, according to design, health, safety, operational or other such considerations. These may include, but are not limited to, limits designated by the director under WAC 200-220-210.

Free speech and assembly activities may not exceed fourteen consecutive calendar days in duration. We may set further limits on duration in order to accommodate and manage the many activities and visitors that come to the capitol buildings and grounds.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-320, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-320, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-320, filed 10/30/09, effective 11/30/09.]

PRIVATE AND COMMERCIAL ACTIVITIES

WAC 200-220-400 Private and commercial activities may be permitted if consistent with state government needs. In addition to the general use requirements described above, these requirements accommodate private and commercial use of the public areas of the capitol buildings and grounds to the extent such use is consistent with state government needs and while protecting the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-400, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-400, filed 10/30/09, effective 11/30/09.]

WAC 200-220-410 Private and commercial activities may be charged applicable fees. Enterprise services will establish a fee schedule for permits for private and commercial activities and make the fee schedule available for public inspection. You are also responsible for paying for any services provided by enterprise services that you will need (such as for equipment set-up or custodial services). In order to manage our services effectively, you must submit your request for our services at least five full working days prior to your activity, regardless of when you submit your permit application for your activity.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-410, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-410, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-410, filed 10/30/09, effective 11/30/09.]

WAC 200-220-420 Enterprise services may set reasonable time, place, and manner limits on private and commercial activities. We may set reasonable time, place, and manner limits on private and commercial

cial activities in the public areas of the capitol buildings and grounds, according to design, health, safety, operational or other such considerations. These may include, but are not limited to, limits designated by the director under WAC 200-220-210.

Private and commercial activities may not exceed fourteen consecutive calendar days in duration.

Private or commercial sales, solicitation, or fund-raising activities are not permitted in the public areas of capitol campus buildings.

We may designate locations on the capitol grounds for private or commercial sales, solicitation, or fund-raising activities.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-420, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-420, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-420, filed 10/30/09, effective 11/30/09.]

WAC 200-220-430 Enterprise services may require additional conditions for private and commercial activities. We may require additional conditions for private and commercial activities through written contract or agreement, including, but not limited to:

- (1) Liability insurance covering the applicant and the activity;
- (2) Hold harmless and indemnification provisions; and
- (3) Information on your ability to finance, plan, and manage the activity in order to protect the normal conduct of state operations, the safety of people and property, and the condition and appearance of the capitol buildings and grounds.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-220-430, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-220-430, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 09-22-059, § 236-17-430, filed 10/30/09, effective 11/30/09.]

ENFORCEMENT, EXCLUSION, AND APPEAL

(Effective June 6, 2023)

WAC 200-220-600 Authority to enforce. Statutes, rules, and policies regulating the use of the capitol campus may be enforced by enterprise services, the Washington state patrol, and by any law enforcement agency with appropriate jurisdiction. Prior coordination with or complaint by enterprise services is not a prerequisite for enforcement actions by agencies with enforcement authority.

[Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 23-07-028, § 200-220-600, filed 3/6/23, effective 6/6/23.]

(Effective June 6, 2023)

WAC 200-220-610 Warning of potential exclusion from capitol campus or areas thereof. (1) An officer of the Washington state patrol or a designated enterprise services employee may issue a warning of potential exclusion from the capitol campus or a designated area thereof under the authority of this section, if the issuer has a reasonable belief based upon the facts and circumstances to believe that the person through acts or omissions has violated one or more of the rules applicable to the capitol campus under chapters 200-200 through 200-299 WAC, or an applicable statute, regulation, or policy while on the capitol campus.

(2) A warning of potential exclusion shall:

(a) Be in writing, signed by the person issuing it, identify the issuer's name and title, and identify the person subject to the warning, if known.

(b) Contain the date of issuance and effective date, the violation(s) that the person is alleged to have committed, and a citation to any rule or statute violated.

(c) Warn that a future violation of one or more of the rule or statute violated under the warning of potential exclusion may be grounds for the issuance of a notice of exclusion from the capitol campus or a designated area, in addition to any other legal citation, liability, or remedy provided under the law.

(d) Set out the method of appealing the warning, which shall also include the address where the appeal should be sent.

(3) A person subject to a warning need not be charged, tried, or convicted of any crime or be issued an infraction or have an infraction found committed in order for a warning of potential exclusion to be issued or effective. The issuing person need only establish that probable cause existed to support the issuance of the warning.

(4) A person subject to a warning of potential exclusion may appeal the warning to the director as provided on the notice by submitting an appeal together with a copy of the warning within 10 days of receipt of the warning. The director or a designee shall decide the appeal as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494. The deciding officer shall base the final order on a "more probable than not" standard whether the violation identified in the warning did or did not occur. In the event the director denies the appeal, the decision is appealable under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 23-07-028, § 200-220-610, filed 3/6/23, effective 6/6/23.]

(Effective June 6, 2023)

WAC 200-220-620 Exclusion from capitol campus or areas thereof.

(1) An officer of the Washington state patrol or a designated enterprise services employee may exclude a person from the capitol campus or a designated area thereof under the authority of this section, if the issuer has reasonable belief based upon the facts and circumstances to believe that the person through acts or omissions has violated one or more of the rules applicable to the capitol campus under chapters 200-200 through 200-599 WAC or an applicable statute, regulation, or policy while on the capitol campus.

(2) A notice of exclusion shall not be issued unless:

(a) The alleged violator who engaged in the conduct in question was informed that the conduct is a violation of an applicable statute, rule, or policy, was requested to cease or correct that conduct, and the person did not upon request and information promptly cease or correct the conduct, including, if applicable, removing any objects or materials that are in violation; or

(b) The alleged violator has been given a warning of potential exclusion for the conduct in question; or

(c) The alleged violation has resulted in or creates a substantial risk of damage to property or injury to a person.

(3) A notice of exclusion shall:

(a) Be in writing, signed by the person issuing it, identify the issuer's name and title, and identify the person subject to the order, if known.

(b) Reasonably identify the ground or grounds for the exclusion. To the extent practicable, if ground in subsection (2)(b) of this section is relied upon, identify the date of a prior warning, and if ground in subsection (2)(c) of this section is relied upon, describe the basis for finding damage or a substantial risk of damage to state property or injury or a substantial risk of injury to a person.

(c) Contain the date of issuance and a citation to the rule(s) and/or statute(s) the person is alleged to have violated.

(d) Contain the date the exclusion begins and ends. If the exclusion duration is longer than the standard period of exclusion, the notice shall provide a description of the nature of the violation warranting a deviation from the standard.

(e) Specify the locations from which the individual will be excluded, which the issuer may, if appropriate, limit to areas of the capitol campus where similar conduct might occur. Exclusions do not apply to public rights-of-way and public sidewalks along such rights-of-way that are not closed to the public. Further, exclusions do not apply to direct transit along a direct route through the capitol campus for the sole purpose of attending a public hearing, a legislative session, or a prearranged meeting with a state official unless the notice of exclusion specifically states that such areas are subject to the exclusion and provides the reasons therefore.

(f) Set out the method of appealing the notice, which shall also include the address where an appeal should be sent.

(g) Prominently display a warning of the consequences for failure to comply with the notice and state that a violation of the terms of the notice will constitute criminal trespass under chapter 9A.52 RCW.

(4) The person subject to exclusion need not be charged, tried, or convicted of any crime or be issued an infraction or have an infraction found committed in order for a notice of exclusion to be issued or effective. The issuing person need only establish that probable cause exists that a violation occurred and that one or more of the conditions in subsection (2) of this section are satisfied.

(5) The standard period of exclusion shall be as follows and shall apply unless the issuing person deems a longer period of exclusion is warranted based on the nature of the violation:

(a) First violation: Forty-eight hour exclusion.

(b) Second violation: Thirty day exclusion.

(c) Third violation: One year exclusion.

(6) A person subject to exclusion pursuant to this section may appeal the exclusion to the director as provided on the notice by submitting the appeal together with a copy of the exclusion within 10

days of receipt of the notice of exclusion. The director or a designee shall decide the appeal as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494. The presiding officer shall base the final order on a "more probable than not" standard whether (a) a condition in subsection (2) of this section was or was not present and (b) the violation did or did not occur. The presiding officer may modify the terms of the exclusion to reduce the period and/or area of exclusion. The decision of the presiding officer may be appealed under the provisions of chapter 34.05 RCW.

(7) Unless the appellant requests and obtains a stay from the presiding officer or the exclusion is otherwise invalidated, removed, or modified, the exclusion will remain in effect until its expiration date. A stay request must be accompanied by a statement of the grounds for the stay and identify the evidence setting forth the factual basis for the request. A stay will not be granted unless the deciding presiding officer finds that the appellant is likely to prevail on the appeal or that the appellant has raised a substantial question whether the exclusion should be reversed and has shown a likelihood that the appellant will suffer irreparable harm due to the exclusion.

(8) An individual who has received an exclusion notice may petition the director of enterprise services (of its designee) for an exemption from the exclusion notice to allow entry on specific days and times for specific purposes. A request for an exemption must:

(a) Be made in writing, provide the individual's current address, enclose a copy of the exclusion notice from which the individual is requesting an exemption, and be mailed to the department of enterprise services at (address);

(b) Be received by the department of enterprise services within 25 days after the individual has been served with an exclusion notice or not later than five business days prior to the requested period of exemption; and

(c) Identify: (i) The specific location the individual wants to visit; (ii) the date and time when the individual wants to visit; (iii) the purpose of the visit and whether the individual asserts that the exemption is for the purpose of exercising rights under the first amendment of the U.S. Constitution.

After receiving a request for an exemption, the director of the department of enterprise services or a designee must review the request and issue a decision on the request within three business days. The decision must specify the reasons why the presiding officer granted or denied the request.

In the event the presiding officer grants the request, the decision must specify the location, date, and time of the exemption to the exclusion notice. The department of enterprise services must immediately transmit a copy of the decision to the Washington state patrol's special operations division by email, and regular mail, or other shared systems.

In the event the presiding officer denies the request, the decision is appealable under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 43.19.125 and 46.08.150. WSR 23-07-028, § 200-220-620, filed 3/6/23, effective 6/6/23.]