

## 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**Note:** Chapter Adm 2 as it existed on March 31, 1998, was repealed and a new chapter Adm 2 was created, effective April 1, 1998.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.
- (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; **EmR1321: emerg. am. (1) (a), eff. 11-27-13; CR 14-001: am. (1) (a) Register July 2014 No. 703, eff. 8-1-14.**

**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.
- (3m) "Event" includes any performance, ceremony, festival, reception, presentation, meeting, picket, rally, parade, demonstration, organized tours not led by department or legislative staff or officials, or the like, held in public areas of state facilities or buildings. The term "event" does not include activities such as: informal tourist activities or constituents or members of the public visiting elected officials or otherwise conducting routine business with any state agency or state entity.

(3r) "Exhibit" includes any display of art work, including but not limited to paintings, sculptures, arts and crafts, photographs, or other artistic materials; public service and educational presentations; signs or banners that are not held by an individual; signs or banners which are held by an individual but which are larger than 28 inches in length or width; historical displays; and the like.

(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.

(6m) "Spontaneous event" means an event in response to an unforeseen triggering event that has occurred within the previous three (3) calendar days, or is currently occurring. Regularly scheduled events, or events advertised by any means, including but not limited to electronic social media, 3 or more calendar days prior to the starting date are presumptively not "spontaneous events" within the meaning of this chapter.

(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; **EmR1321: emerg. cr. (3m), (3r), (6m), eff. 11-27-13; CR 14-001: cr. (3m), (3r), (6m) Register July 2014 No. 703, eff. 8-1-14.**

**Adm 2.04 Public meetings and events.** (1) With the exception of areas in the state capitol building reserved for use by the legislature, the use of which shall be as determined by the legislature, the department, as managing authority of the state office buildings and facilities, may allow buildings and facilities to be used by any person for an event or to display an exhibit 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.

(1m) Subject to the discretion of the department, permits shall be allowed for any event or exhibit, and use by a person giving advance notice shall be allowed for any event. The department's exercise of discretion shall be limited and based upon the following considerations:

- (a) Events or exhibits, whether based upon permit or advance notice shall not be restricted, denied, or disallowed based upon the content of the event or exhibit.

(b) Events or exhibits, whether based upon permit or advance notice shall not be restricted, denied, or disallowed on the basis of age, race, creed, color, handicap, marital status, sex, sexual orientation, national origin, ancestry, arrest or conviction record, religion, or political affiliation of the person applying for the permit or giving notice.

(c) Events or exhibits, whether based upon permit or advance notice shall be restricted, denied, or disallowed if the requested use conflicts with a previously granted permit.

(d) Events or exhibits, whether based upon permit or advance notice shall be restricted, denied, or disallowed if the person, group, or organization requesting the permit or providing the notice has failed to pay any uncontested invoice for expenses or damages arising out past events or exhibits.

(e) Permits may be disallowed if the permit application form is not fully completed or signed by a person who is legally competent to contract and to sue or be sued.

(f) Events or exhibits, whether based upon permit or advance notice shall be restricted, denied, or disallowed if the permit or notice request contains a material falsehood or misrepresentation.

(g) Events or exhibits, whether based upon permit or advance notice may be restricted, denied, or disallowed if the requested use conflicts with planned programs organized and conducted by the department, any state agency, or any state official or body of state officials such as tour groups led by department staff.

(h) Events or exhibits, whether based upon permit or advance notice may be restricted, denied, or disallowed if the person, group, or organization requesting the permit or providing the notice has, in the course of receiving a permit in the past, made material misrepresentations regarding the nature or scope of an event or exhibit.

(j) Events or exhibits, whether based upon permit or advance notice shall be restricted, denied, or disallowed if the proposed use involves activity prohibited by law.

(k) Advance notices may be disallowed, limited, or the use relocated if a permit is subsequently granted for use of the space requested in the advance notice.

(L) Conformance with any provision of this chapter, including, but not limited to, s. Adm 2.04 (1).

**(2)** An applicant for a permit to use 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 potential conflict between two or more permit requests each request shall be considered in the order it was received.

**(2m)** The department may allow use of a portion of the interior of the state capitol building to a person providing advance notice to the department of an event at least two business days in advance of the anticipated utilization of the building or facility.

**(2r)** The department may allow use of a portion of the interior of the state capitol building to a person providing contemporaneous notice of a spontaneous event.

**(2z)** The department may allow use of the ground floor or first floor of the rotunda of the state capitol building to 12 or fewer persons for an event without any person applying for a permit, without providing advance notice, and without the event being a spontaneous event under this section.

**(3)** An applicant for the use of buildings and facilities shall be liable to the state for 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. The department may publish content-neutral guidance further limiting or explaining potential imposition of charges.

**(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, sexual orientation, 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 any event or exhibit, 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, Stats., 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.

**(9)** If any word, phrase, section, or other portion of this chapter, or any written guidance issued under this chapter's authority, is held unconstitutional or otherwise invalid by a court of competent jurisdiction, then such holding shall not affect the validity of the remainder of this section or any other section in this chapter, which shall remain in force and not be affected by such holding.

**(10)** If a person or organization is aggrieved by a decision of the state capitol police staff with respect to the denial, disallowance, or limitation of any permit or advance notice, an appeal may be taken to the chief of state capitol police within 3 business days of that decision. The appeal shall be in writing, stating the basis of the appeal and the relief sought, and attaching any relevant information or documents. The chief of state capitol police may deny an appeal, grant an appeal, or grant an appeal subject to conditions consistent with this chapter. Appeal decisions by the chief of state capitol police shall be in writing and shall be made within 3 business days. Appeals not granted by the chief of state capitol police are deemed denied. Decisions of the chief of state capitol police under this sub-section shall be deemed final agency decisions.

**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; **EmR1321:** emerg. am. (1) (intro.), cr. (1m), am. (2), cr. (2m), (2r), (2z), am. (3), (5), (7), cr. (9), (10), eff. 11-27-13; **CR 14-001:** am. (1) (intro.), cr. (1m), am. (2), cr. (2m), (2r), (2z), am. (3), (5), (7), cr. (9), (10) Register July 2014 No. 703, eff. 8-1-14.

**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 exhibit 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 exhibit advertising, promoting, or identifying a commercial enterprise or a political activity is prohibited except as indicated in sub. (4). Any unauthorized exhibit shall be removed and disposed of by the department. This provision shall not be applied to any individual who holds a sign that is not larger than 28 inches in length or width, or to any item of clothing worn by an individual. 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; **EmR1321: emerg. am. (2) eff. 11-27-13; CR 14-001: am. (2) Register July 2014 No. 703, eff. 8-1-14.**

**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. Any person who refuses to remove or correct any hazardous situation at the request of any department employee shall be subject to citation pursuant to s. Adm 2.14 (2) (zd). 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 or other displays, decorations, signs, banners, or the like introduced in buildings and facilities managed or leased by the department without the approval of the department or contrary to the manner instructed by 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; **EmR1321: emerg. am. (1) (intro.), (d), eff. 11-27-13; CR 14-001: am. (1) (intro.), (d) Register July 2014 No. 703, eff. 8-1-14.**

**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, unless confiscated pursuant to s. Adm 2.08 (1). Property confiscated pursuant to this chapter may be disposed of 30 days after confiscation if unclaimed.

**History:** Cr. Register, March, 1998, No. 507, eff. 4-1-98; **EmR1321: emerg. am., eff. 11-27-13; CR 14-001: am. Register July 2014 No. 703, eff. 8-1-14.**

**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)** In order to preserve the order that is necessary for the enjoyment of freedom by occupants of and visitors to the buildings and facilities, and in order to prevent activities that physically obstruct access to department lands and buildings or prevent the state from carrying on its instructional, research, public service, or administrative functions, and 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, or any device capable of amplifying sound, including but not limited to musical instruments, 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.

(fm) Participates in an event at the Wisconsin State Capitol that 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 that produces sound in excess of 90 decibels as measured on an "A" weighted decibel scale within 25 feet of the event, and the event hinders or impedes a prime use of the building, including hearings of the Supreme Court of Wisconsin, hearings of any legislative body or committee thereof, meetings between constituents and their constitutional officers, the work of constitutional officers and their respective staffs, educational tours of the building and the like. An officer in determining if the noise exceeds 90 decibels shall use reasonably appropriate testing methods. The department shall first notify the group that their event is not compliant with this subsection and no citation shall be given for a violation of this subsection unless the issuing officer first affords the person an opportunity to stop and disperse. This subsection does not preclude the application of s. Adm 2.14 (2) (k) in any circumstances.

(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 defeces, 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 as may be provided for by this chapter, conducts an event in those buildings and facilities managed or leased by the department or on properties surrounding those buildings.

(vm) Any participant within or spectator of a group constituting an unlawful event, who intentionally fails or refuses to withdraw from the event after it has been declared unlawful, shall be subject to the penalties identified in this subsection. Any event 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, except as authorized by s. Adm 2.04.

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.

(vr) 1. In par. (vm) "intentionally" means that the participant or spectator knew that the participant's or spectator's conduct by itself or in conjunction with the conduct of others had or would have the prohibited effect.

2. The department may designate a state official or officials who shall have primary authority to implement this paragraph, par. (v), and par. (vm). The official shall prescribe limitations for any event in order to meet the requirements of this chapter. When informed of any event the department official or designee may proceed immediately to the site to determine if there is compliance with these paragraphs. If the official prescribes limitations or has previously prescribed limitations, and those limitations are not

observed by the event participants, the official may then declare the event unlawful. Any declaration of illegality or prescription of limitations shall be effective immediately and binding upon the event participants, unless and until modified or reversed.

(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; **EmR1321: emerg. am. (2) (intro.), (e), cr. (2) (fm), renum. (2) (v) (intro.) to (v) and am., renum. (2) v. 1. to (9) (intro.) to (2) (vm) 1. to (9) (intro.) and am. 5., renum. (2) (v) 9. a., b. to (2) (vr) 1., 2. and am., r. (2) (v) 9. c., cr. (2) (vm) (intro.), eff. 11-27-13; CR 14-001: am. (2) (intro.), (e), cr. (2) (fm), renum. (2) (v) (intro.) to (v) and am., renum. (2) v. 1. to (9) (intro.) to (2) (vm) 1. to (9) (intro.) and am. 5., renum. (2) (v) 9. a., b. to (2) (vr) 1., 2. and am., r. (2) (v) 9. c., cr. (2) (vm) (intro.) Register July 2014 No. 703, eff. 8-1-14.**

**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 employee shall return to the department all access devices issued to the employee by the department.

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