

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Adoption of Chapter 111
Hawaii Administrative Rules

November 21, 1997

Chapter 111 of Title 3, Subtitle 10, Hawaii Administrative Rules, entitled "State Facilities and Grounds", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

SUBTITLE 10

CENTRAL SERVICES DIVISION
PUBLIC BUILDING MANAGEMENT SERVICES BRANCH

CHAPTER 111

STATE FACILITIES AND GROUNDS

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§3-111-3

§3-111-1 Purpose. The purpose of this chapter is to provide for the safe, orderly, convenient, and efficient use and enjoyment of facilities under the jurisdiction, management, and operation of the department of accounting and general services, and to prevent interference with normal pedestrian and vehicular traffic on those facilities, and prevent disruption of government functions on those facilities. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-2 Application. These rules govern the use of and activities upon, facilities under the jurisdiction, management, and operation of the department of accounting and general services. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-3 Definitions. As used in this chapter, unless the content clearly indicates otherwise:

"Comptroller" means the executive director of the department of accounting and general services.

"Facilities" means buildings and parking structures of the State of Hawaii, including the grounds thereof, whether owned, leased, or rented by the State of Hawaii for its use.

"Literature" means any written or printed material, including but not limited to, books, pamphlets, handbills, cards, circulars, pictures, magazines, and leaflets, containing political, religious, philosophical, or ideological messages, or solicitations for contributions to be made outside the facility. The term does not include other types of merchandise, such as but not limited to, food, drink, coffee mugs, sunglasses, flags, records, patches, jewelry, handicraft, decals, audio or video tapes, shirts, hats, ties, shorts, or any other clothing articles.

"Person" means an individual or organization.

"Sale" means the transfer of money, including monetary donations, in exchange for literature or any other item.

"Solicit" means to ask, implore, plead for; to endeavor to obtain by asking; to importune; or to try to obtain.

"State" means the State of Hawaii.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-4 Jurisdiction. These rules shall apply to all facilities designated as under the jurisdiction, management, and operation of the department of accounting and general services. A current list of these facilities shall be kept at the office of the department's Central Services Division, 729 Kakoi Street, Honolulu, Hawaii 96819. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-5 Hours of operation. (a) Except as provided below, all facilities shall be open to the general public each weekday from 7:45 a.m. until 4:30 p.m., or during such hours as may be otherwise designated by the Comptroller.

(b) Facilities shall be closed to the general public on Saturdays, Sundays, and holidays. Facilities may also be closed during emergencies or at such times as the Comptroller may deem necessary.

(c) During periods when facilities are closed, admission to facilities shall be limited to individuals authorized by the Comptroller or an authorized representative of the Comptroller; such authorized individuals may be required to sign a register or display identification when requested by a security officer or other authorized personnel.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-10

§3-111-6 Preservation of property. Any action or conduct which destroys or damages any facility is prohibited. Such prohibited actions shall include but not be limited to: improperly disposing rubbish, causing filth, creating hazards to persons, throwing articles, climbing the facility, and writing graffiti. The removal of property from any facility is prohibited unless authorized by the Comptroller.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-7 Conformity with signs and emergency directions. Persons shall comply with all official signs, and during emergencies, comply with all instructions of authorized personnel.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp:HRS §26-6)

§3-111-8 Disturbances. Any conduct which impedes or disturbs state employees in the performance of their duties, or the general public from obtaining the public services available in or on that facility, shall be prohibited. Such prohibited conduct includes, but shall not be limited to, creation of loud or unusual noises, and obstruction of pedestrians or vehicles, entrances, foyers, corridors, offices, elevators, or stairways, and verbal or physical harassment of employees or visitors of the facility.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-9 Public health and safety. Any activity which presents a clear and present danger to the public health and safety is prohibited.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-10 Gambling. Any operation of, or participation in, gambling activities as defined in part III of chapter 712 of the Hawaii Revised Statutes, is prohibited.

Such prohibited activity includes but is not limited to, games for money or other property, gambling devices, lotteries, pools, and the sale or purchase of numbered tickets. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-11 Alcoholic beverages and drugs. The use, possession, or sale of any alcohol or illegal drug, as defined in part IV of chapter 712 of the Hawaii Revised Statutes, is prohibited. Any person who is under the influence of alcohol or drugs to such a degree that the person presents a danger to himself or to others, is prohibited from entering or remaining in or on any facility. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-12 Weapons and explosives. No person shall carry firearms or other dangerous weapons or explosives except as permitted by law. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-13 Audio devices. (a) The operation of any audio device or other noise producing device, in a manner which creates a disturbance, or impedes or disturbs state employees in the performance of their duties, or the general public from obtaining the public services available in or on that facility, is prohibited. Such audio devices include, but are not limited to, radios, cassette and compact disc players, and televisions.

(b) The operation of public address systems, regardless of whether such system is fixed, portable, or attached to a vehicle, is prohibited, unless prior written authorization is obtained from the Comptroller.

(c) The installation of aerials, communication dishes, or other special radio, television, telephone, or other communication equipment is prohibited, unless prior written authorization is obtained from the Comptroller. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-18

§3-111-14 Animals. All animals are prohibited, except service animals such as, but not limited to guide, signal and service dogs, who are trained to do work or perform tasks for the benefit of an individual with a disability. It shall be the individual's responsibility for all damages caused by the animal, including but not limited to, cleaning up after the dog, and properly disposing of any dropping.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-15 Vehicle operation. The driving and riding of vehicles including but not limited to, automobiles, trucks, vans, motorcycles, mopeds, scooters, motorized bicycles, and bicycles, shall be done only on designated roads, provided that any such operation which exceeds the posted speed limit, or which endangers persons or property, is prohibited.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-16 Parking. Parking of vehicles is permitted only in areas designated by the Comptroller, and shall be in accordance with chapter 3-30, Hawaii Administrative Rules Governing Parking on State Lands.
[Eff January 5, 1998] (Auth: HRS §26-6)
(Imp: HRS §26-6)

§3-111-17 Skateboards, roller skates, and in-line skates. The use of skateboards, roller skates, and in-line skates is prohibited, unless otherwise authorized by the Comptroller. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-18 Memorials. The installation of any memorial, monument, or other commemorative piece, without the prior written authorization of the Comptroller, is prohibited.
[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-19 Posting of advertisements and signs.

The posting of any advertisements, signs, bulletins, announcements, and the like is prohibited, unless otherwise authorized by the Comptroller.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-20 Abandoned and unattended property.

(a) The abandonment of any vehicle or property is prohibited. Any vehicle or property left unattended for twenty-four hours or more shall be considered abandoned, and will be impounded and disposed as provided by law, unless the prior written authorization of the Comptroller is obtained.

(b) Notwithstanding subsection (a) above, a vehicle or property may be impounded and removed if the Comptroller or a designee of the Comptroller determines that an unattended vehicle or property interferes with the safe and orderly management of the facility.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-21 Commercial use. The prior written authorization of the Comptroller must be obtained before any commercial motion picture, video, or photograph is taken of the facility. Applicants for such authorization shall agree to comply with any terms, conditions, and fees established by the Comptroller. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-22 Temporary structures and shelters. The installation of any temporary structure, shelter, or sleeping accommodation without the prior written authorization of the Comptroller, is prohibited.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-26

§3-111-23 Solicitation, sales, and debt collecting. Soliciting, the sale of gifts, money, goods, or services, and the collection of private debts, are prohibited except pursuant to:

- (1) Section 3-111-24;
- (2) A concession, lease, or contract issued by the State; or
- (3) A permit issued by the Comptroller.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-24 Sale or distribution of literature.

(a) The sale or distribution of literature is allowed. However, the use of a portable table or chair to sell or distribute literature, in sizes and numbers acceptable to the Comptroller, is allowed only if a permit for such use has been issued by the Comptroller pursuant to section 3-111-26. No other structure or equipment including, but not limited to, display mats, tents, canopies, podiums, or platforms, shall be used to sell or distribute literature. [Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-25 Public assemblies and meetings. Public assemblies, meetings, gatherings, demonstrations, parades, and other such events, resulting in assemblies of twenty-five or more individuals are allowed, provided a permit for such event has been issued by the Comptroller pursuant to section 3-111-26.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-26 Permit process. (a) Applications for permits shall be submitted in writing to the Comptroller at least fourteen business days prior to the date of the activity. An application for a permit shall set forth the name of the applicant, date, time, duration, nature, and location of the proposed activity, an estimate of the number of persons expected to attend, a statement of equipment or facilities to be used and any other information required by the permit application form.

(b) Permits will be granted on proper application unless:

- (1) The proposed activity would impede or disturb state employees in the performance of their duties, or the general public from obtaining the public services available at that facility;
- (2) Cause damage or injury to the facility;
- (3) A prior application for a permit for the same time and place has been made that has been granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular location; or
- (4) It reasonably appears that the event presents a clear and present danger to the public health or safety.

(c) If a permit is denied, the applicant shall be informed in writing, with the reason(s) for the denial set forth.

(d) Permits may contain such other terms and conditions as are reasonably consistent with the interest of public safety, protection of the facility and other property, and intended use of the facility, including but not limited to, limitations on equipment to be used and the time and place of the event, and requirements for liability insurance and security.

Should the number of applications for a permit exceed the available area for a particular location and time, the comptroller reserves the right to allocate spaces for which permit applications were received in the Comptroller's sole discretion, on the basis of a shared use concept.

(e) A permit may be revoked for any of the conditions set forth in subsection (b) above that constitute grounds for the denial of a permit, or if the Comptroller deems that the permittee has violated these rules or any of the terms and conditions of the permit. Such revocation shall be made in writing, with the reasons(s) for the revocation set forth, except that under emergency circumstances, when an immediate verbal revocation or suspension of the permit may be made, to be followed by written confirmation within seventy-two hours.

§3-111-27

(f) Permittees shall display a copy of the approved application in plain view during the activity at the permitted location.

[Eff January 5, 1998] (Auth: HRS §26-6) (Imp: HRS §26-6)

§3-111-27 Enforcement. Any person violating any provision of this chapter shall be removed from the facility and subject to fines and criminal penalties as provided by law." [Eff January 5, 1998]
(Auth: HRS §26-6) (Imp: HRS §26-6)

2. The adoption of chapter 111, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on November 21, 1997, and filed with the Office of the Lieutenant Governor.

/s/
SAM CALLEJO, Comptroller
Department of Accounting
and General Services

/s/
BENJAMIN J. CAYETANO
Governor
State of Hawaii
Dated: December 24, 1997

APPROVED AS TO FORM:

/s/
Deputy Attorney General

December 26, 1997
Filed