

**STATEMENT OF EMERGENCY
200 KAR 3:020E**

1) This emergency administrative regulation is necessary to allow visitors to state facilities and grounds the ability to wear department-provided face coverings to prevent or mitigate the spread of communicable disease. This emergency administrative regulation is also necessary to implement certain safety measures and protocols to allow citizens to be able to return to and visit the New State Capitol beginning on July 1, 2021 without an appointment being required. At the request of the Kentucky State Police, this emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)1, to meet an imminent threat to public health, safety, and welfare by providing for mitigation against the spread of the COVID-19 virus and by providing safety measures and protocols to protect the health, safety, and welfare of citizens at the New State Capitol and other state offices and buildings.

2) An ordinary administrative regulation is not sufficient because the COVID-19 virus may mutate and spread, the form of new strains or variants, after the state of emergency has lifted in the Commonwealth, and the New State Capitol will be open to visitors without the requirement of an appointment beginning on July 1, 2021. Delaying the effective date of the ordinary regulation may leave a multi-month period after expiration of the state of emergency where the wearing of face-coverings to prevent or mitigate the spread of communicable disease is barred by 200 KAR 3:020, and where certain safety measures and protocols would not be implemented to protect the health, safety, and welfare of citizens visiting the New State Capitol and other state offices and buildings without an appointment beginning on July 1, 2021. Enacting an emergency regulation would avoid this unnecessary risk.

3) This emergency administrative regulation will be replaced by an ordinary administrative regulation.

4) The ordinary administrative regulation is identical to this emergency administrative regulation.



Andy Beshear, Governor

6/30/21
Date



Holly M. Johnson, Secretary
Finance and Administration Cabinet

6-30-21
Date

1 FINANCE AND ADMINISTRATION CABINET

2 Department for Facilities and Support Services

3 (Emergency Amendment)

4 200 KAR 3:020E. Use of State-Owned Facilities and Grounds.

5 RELATES TO: KRS 42.019, 42.425, 56.010, 56.463

6 STATUTORY AUTHORITY: KRS 42.019(1), 42.425(1)(c), 56.010, 56.463(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation
8 establishes uniform rules for the governance of state facilities and grounds. While all state
9 facilities and grounds are owned by the people of the Commonwealth at large, it is
10 sometimes detrimental to the effective carrying-out of the people's business for persons,
11 or groups of persons, to disregard reasonable conditions established for use of state
12 facilities and state grounds. The purpose of this administrative regulation is to balance
13 the interests of the citizens of the commonwealth at large with the interests of individual
14 citizens, or groups of citizens, to use state facilities and grounds in a reasonable fashion
15 in order to redress their grievances and coordinate various uses of public buildings and
16 Grounds, to preserve Historic Properties, to ensure the health and safety of the public
17 and state employees while on state property, and to protect the public from unnecessary
18 financial losses. KRS 42.019(1) requires the Division of Historic Properties to oversee the
19 management and preservation of state-owned historic properties. KRS 42.425(1)(c)
20 entrusts the Department for Facilities and Support Services with primary responsibility for
21 developing and implementing policies applicable to all state agencies to ensure effective
22 planning for and efficient operation of state office buildings. KRS 56.010 requires the
23 Finance and Administration Cabinet to institute civil proceedings in the name of the

1 Commonwealth for any trespass or injury to state property under its control. KRS
2 56.463(8) requires the Finance and Administration Cabinet to promulgate administrative
3 regulations as may be necessary to govern the acquisition, control, and disposition of the
4 commonwealth's real property.

5 Section 1. Definitions. (1) "Agency" means a "budget unit," as defined by KRS 48.010(9).

6 (2) "Applicant" means a visitor who has submitted an Application to Use State Facilities
7 and Grounds.

8 (3) "Application" means the Application to Use State Facilities and Grounds form created
9 and maintained by the Division of Historic Properties that allows individuals,
10 organizations, and entities to request the ability to conduct an event at historic properties.

11 (4) "Cabinet" means the Finance and Administration Cabinet.

12 (5) "Commissioner" means the Commissioner of the Department for Facilities and
13 Support Services.

14 (6) "Deadly Weapon" is defined by KRS 500.080(4).

15 (7)[(6)] "Demonstration activity" means any gathering of twelve (12) or more visitors
16 demonstrating, parading, picketing, speech making, holding vigils, sit-ins, or rallies, or
17 conducting other activities for the purpose of demonstrating approval or disapproval of
18 governmental policies or practices (or the lack there-of), expressing a view on public
19 issues, or bringing into public notice any issue or other matter.

20 (8)[(7)] "Department" means the Department for Facilities and Support Services.

21 (9)[(8)] "Division" means the Division of Historic Properties, established by KRS
22 42.425(1)(d)4.

23 (10)[(9)] "Event" means any demonstration activity, performance, ceremony,

1 presentation,
2 meeting, or rally held in a state facility or on state grounds.

3 (11) "Firearm" is defined by KRS 237.060(2).

4 (12) "Handgun" is defined by KRS 527.010(5).

5 (13)[(10)] "Historic properties" means state-owned historic properties under the
6 management and preservation authority of the Division of Historic Properties, pursuant to
7 KRS 42.019.

8 (14) "Livestock" is defined by KRS 257.010(11).

9 (15) "Long Gun" means any firearm that is not a handgun, including but not limited to:

10 (a) rifles,

11 (b) carbines, and

12 (c) shotguns.

13 (16)[(11)] "Normal business hours" means:

14 (a) The hours in which a facility is declared or posted as open and accessible to
15 individuals other than employees or agents of the commonwealth; and

16 (b) Any time period during which a facility hosts a legislative session, public meeting, or
17 court session.

18 (17)[(12)] "Organization" means any group or association of individuals joined together to
19 accomplish shared goals or to advance shared interests or values, inclusive of its
20 employees, agents, invitees, or guests.

21 (18)[(13)] "Public meeting" means a "meeting," as defined by KRS 61.805(1).

22 (19)[(14)] "Rally" means a gathering of twelve (12) or more visitors for the purpose of
23 actively

1 promoting a cause.

2 ~~(20)~~~~(15)~~ "Solicit" and "solicitation" are defined by KRS 367.650(4).

3 ~~(21)~~~~(16)~~ "Spontaneous event" means an event where twelve (12) or more visitors gather
4 to exercise their First Amendment rights in facilities and on grounds open to the general
5 public in response to a triggering event that has occurred within the preceding calendar
6 week, or is currently occurring. Regularly scheduled events, or events that are advertised
7 by any means seven (7) or more calendar days prior to the starting date of the event are
8 presumptively not "spontaneous events."

9 ~~(22)~~~~(17)~~ "State facilities" or "facilities" means any buildings owned or managed by the
10 Finance and Administration Cabinet pursuant to KRS 56.463.

11 ~~(23)~~~~(18)~~ "State grounds" or "grounds" means any lands owned or managed by the
12 Finance and Administration Cabinet pursuant to KRS 56.463.

13 ~~(24)~~~~(19)~~ "Tenant" means an individual or organization, except for an agency that is:

14 (a) Occupying land or property rented from the commonwealth; and

15 (b) Limited to the specific state facility or state grounds where the land or property is
16 located.

17 (25) "Tenant agency" means an agency that is:

18 (a) Assigned commonwealth land or property; and

19 (b) Limited to the specific state facilities or state grounds assigned for agency use.

20 ~~(26)~~~~(20)~~ "Triggering event" means a previously unknown or unpredicted event where,
21 because of its unknown or unpredicted nature, a group of visitors could not reasonably
22 be expected to submit an application seven (7) days in advance.

23 ~~(27)~~~~(21)~~ "Visitor" means:

1 (a) Any person, organization, or entity present at a State Facility or on State Grounds that
2 is not a tenant agency, nor employed or contracted to perform work there on behalf of the
3 commonwealth;

4 (b) A person or organization employed or contracted to perform work on behalf of the
5 commonwealth if present at a state facility or on state grounds for reasons other than
6 performing work on behalf of the commonwealth; and

7 (c) Persons present at state facilities or state grounds by virtue of an approved application.

8 Section 2. Request to Use State Facilities or Grounds. (1) Each visitor seeking to hold an
9 event at a state facility or on state grounds shall submit a completed "Application to Use
10 State Facilities and Grounds" to the division at least seven (7) calendar days prior to the
11 anticipated date of the event.

12 (a) Applications shall not be submitted, and an event shall not be scheduled, more than
13 365 calendar days prior to the date of an event.

14 (b) An applicant may only make one (1) application for one (1) event at a time.

15 (c) Applications shall be reviewed and approved on a first come, first served basis, except
16 that state sponsored activities shall be given priority over applications received by the
17 division on the same date as a request by an agency regarding a state-sponsored event.

18 (d) The division shall deny an application if:

19 1. The application is incomplete;

20 2. The proposed event requests space allocated for a state sponsored activity, a
21 previously scheduled event, the normal operation of state business, or a legislative
22 session;

23 3. The proposed event poses a safety or security risk;

1 4. Applicant has made material misrepresentations regarding the nature or scope of an
2 event or solicitation, inclusive of misrepresentations contained in prior applications; or

3 5. Applicant has failed to pay costs or damages due for a prior event.

4 (e) If an application is approved, the division shall issue a written approval specifying:

5 1. The property or portion of property for which approval is granted;

6 2. The date and time period for which approval is granted;

7 3. Any fee or costs to be paid for use of state property or equipment;

8 4. The amount of any advance deposit required; ~~and~~

9 5. Whether proof of liability insurance shall be required for the requested use; ~~and~~

10 6. Any applicable restrictions.

11 (f) If an application is denied, the division shall issue a written denial specifying:

12 1. The Section 2(1)(d) provision the denial is based upon;

13 2. If the application is incomplete, a description of the missing information;

14 3. If the applicant has made prior misrepresentations, a description of the
15 misrepresentation; and

16 4. If the applicant has failed to pay costs or damages for a prior event, a description of
17 the costs or damages and the amount remaining due.

18 (g) Any written approval to use Commonwealth facilities is non-transferable and the
19 purpose, time, place, or other conditions specified for use shall not be changed without
20 the written consent of the division.

21 (h) Except as provided by paragraph (j) of this subsection, the division may revoke prior
22 approval to hold an event at a historic property if the property is requested for a state
23 sponsored activity. If the division revokes prior approval for an applicant to use a historic

1 property, it shall either:

2 1. Provide a refund of any fee paid for the use of the state property, or

3 2. Provide alternate dates that the facility is available for use.

4 (i) The division may relocate a previously approved event at a historic property as
5 established in the Rules for Use of State Facilities and Grounds.

6 (j) The division shall not reschedule or relocate a previously approved event at a historic
7 property less than three (3) days prior to the scheduled event date except as established
8 in the Rules for Use of State Facilities and Grounds.

9 (2) Except for spontaneous events, visitors who make use of a state facility or state
10 grounds without written approval:

11 (a) May be charged a fee equal to the amount normally charged for approved uses, if
12 applicable; and

13 (b) May be removed from a state facility or state grounds if their use interferes with a use
14 approved by the division, or with a state sponsored activity.

15 (3) Each visitor seeking to hold an event at a state facility or on state grounds, other than
16 a demonstration activity, shall submit a completed Rental Application and Lease
17 Agreement.

18 (4) An agency may adapt the Rental Application and Lease Agreement for its own use as
19 follows:

20 (a) Inserting the Rental Application and Lease Agreement onto agency-specific
21 letterhead;

22 (b) Altering the Rental Application and Lease Agreement to reflect contact information for
23 the agency; and

1 (c) Inserting the following information regarding the areas assigned to agency use
2 available to rent:

- 3 1. Identification of available areas;
- 4 2. Capacity of available areas;
- 5 3. Whether food or drink may be consumed in available areas;
- 6 4. Equipment available to rent; and
- 7 5. Hours when available areas may be rented.

8 (5) An agency that adapts the Rental Application and Lease Agreement for its own use
9 shall enter into a written agreement with the commissioner addressing:

- 10 (a) Which facilities and grounds are covered by the Rental Application and Lease
11 Agreement;
- 12 (b) The agency responsible for processing Rental Application and Lease Agreement
13 submissions; and
- 14 (c) Disposition of fees collected.

15 Section 3. Conditions Governing Use of State Facilities and Grounds. (1) General
16 conditions governing all state facilities and grounds to which visitors, applicants, and other
17 persons visiting under application agree to abide.

- 18 (a) Visitors shall comply with the Rules for Use of State Facilities and Grounds.
- 19 (b) Visitors shall agree to be, and are, responsible for any vandalism, damage, breakage,
20 loss, or other destruction caused by that individual, organization, or entity. In regards to
21 historic properties, costs may include costs for the services of specialists in relevant
22 historical restoration skills.
- 23 (c) An agency agrees to reimburse, and shall reimburse, the department for any damage

1 caused to state facilities assigned to its use.

2 (d) This administrative regulation is not intended to waive or preclude recovery by an
3 agency from visitors for damages caused by them.

4 (e) Visitors shall indemnify and hold harmless the Commonwealth of Kentucky, its
5 departments, agents, employees, and contractors from and against any and all suits,
6 damages, claims, or liabilities due to personal injury or death; damage to or loss of
7 property; or for any other injury or damage arising out of or resulting from the use of state
8 facilities or grounds, except as provided by in KRS Chapter 49.

9 (f) Visitors shall not dig, excavate, or use metal detectors.

10 (g) Visitors shall not post or affix signs, announcements, or other documents on any
11 exterior or interior wall, ceiling, floor, door, window, or other surface not specifically
12 designated for that purpose.

13 (h) Visitors shall promptly remove items or materials owned or used by them after an
14 exhibit, event, or visitation. Failure to do so may result in the department billing the
15 individual, organization, or entity with the costs of disposal, inclusive of use of staff time,
16 which the individual, organization, or entity agrees to be responsible for as a condition of
17 using the state facility or grounds.

18 (i) Smoking shall not be permitted in state facilities or on state grounds.

19 (j) Visitors shall not wear masks or hoods that conceal the identity of the wearer, except
20 for:

21 1. Religious~~religious~~ dress of a generally recognized religion,

22 2. Minor~~or minor~~ children celebrating Halloween, and [-]

23 3. Department-provided face coverings, worn to prevent or mitigate the spread of

1 communicable disease.

2 (k) Public use of state facilities by visitors shall not interfere with the conduct of normal
3 public business, including any legislative session, court proceedings, or any other public
4 business.

5 (l) Use of state facilities and state grounds by visitors shall conform to any applicable
6 limits or requirements contained in the Kentucky Building Code, 815 KAR 7:120[;]; the
7 Kentucky Standards of Safety contained in 815 KAR 10:060[;]; orders of the State Fire
8 Marshal[;], [~~and~~] local fire codes, inclusive of any applicable occupancy limits[;]; and the
9 provisions of this administrative regulation or the materials incorporated herein.

10 (m) Visitors shall not congregate in, or otherwise obstruct, passageways or office entrance
11 areas in a manner that would impair the normal conduct of state business or the safe
12 evacuation of people in the event of a fire or similar emergency.

13 (n) Use or parking of a motorized vehicle on lawns, sidewalks, or terraces shall be
14 restricted to emergency, maintenance, construction, development, delivery, or authorized
15 building access purposes as determined by the department.

16 (o) The operation of aircraft, other than at designated landing areas, shall be prohibited.

17 (p) The mass release of birds, butterflies, or other living creatures shall be prohibited.

18 (q) Livestock shall be prohibited, except at facilities designated for livestock-related
19 purposes, unless express written approval is granted by the Division.

20 (r)[(q)] In addition to any use limitations imposed by this administrative regulation, within
21 areas assigned to its use, an agency may impose such additional use restrictions as are
22 necessary and proper to ensure:

23 1. Efficient operation and conduct of state business;

- 1 2. The safety of state employees and visitors;
- 2 3. The security of public assets and data; and
- 3 4. Restrictions necessary to conform to requirements of state and federal law.

4 ~~(s)~~~~(+)~~ The following items shall be prohibited, unless owned or controlled by the state:

- 5 1. Hot-air balloons and similar lighter-than-air objects and aircraft;
- 6 2. Powered aircraft, including drones and remotely-operated aircraft;
- 7 3. Remotely controlled toys and vehicles;
- 8 4. Rockets and similar missiles; and
- 9 5. Fireworks and other explosive items.

10 ~~(t)~~~~(s)~~ The following items shall not be permitted in any state facility, unless the items are
11 owned or controlled by the state:

- 12 1. Any equipment, apparatus, or machinery that fails to conform with local fire codes;
- 13 2. Skateboards, roller skates, rollerblades, bicycles, mopeds, motor bicycles,
14 motorcycles, and hoverboards; exclusive of mobility devices used by a disabled
15 individual; and
- 16 3. Any personal property that interferes with any electrical or mechanical system in a state
17 facility.

18 (u) Individuals openly carrying a deadly weapon may be ordered to leave state facilities
19 and grounds when brandishing a firearm or other deadly weapon in an unsafe manner,
20 including but not limited to:

- 21 1. Pointing the muzzle of a firearm at another individual,
- 22 2. Failing to keep the safety of a firearm in the “on” position while carrying a firearm,
- 23 3. Failing to keep their finger outside of the trigger guard of a firearm, or

1 4. Threatening another person with a firearm or other deadly weapon; and
2 5. Failing to fully comply with the provisions of Section 3(1)(w), the other provisions of
3 Administrative Regulation or the lawful direction of facility security personnel.
4 (v) Individuals ordered to leave state facilities and grounds pursuant to Section 3(1)(u)
5 may be subject to criminal prosecution if they refuse to leave state facilities and grounds
6 or comply with the lawful direction of facility security personnel.
7 (w) Individuals authorized to enter a state facility with one or more firearms shall:
8 1. Securely maintain handguns in a holster with two or more retention security features;
9 2. Securely maintain long guns behind the back using a strap slung over the shoulder,
10 muzzle pointing up, in a manner to prevent muzzle rocking rearward during movement;
11 3. Be in possession of no more ammunition than can be loaded into the firearm at one
12 time; and
13 4. Possess no more than one magazine, whether attached or detached from the firearm.
14 (x)[(t)] The terms of this administrative regulation shall not apply to:
15 1. Tourism, Arts, and Heritage Cabinet administered facilities and properties;
16 2. Tenants of state facilities;
17 3. Inmates and other incarcerated persons; or
18 4. Other individuals in the care, custody, or control of the state.
19 (2) Operating hours and access requirements.
20 (a) The commissioner, in consultation with agencies using each facility, shall establish
21 normal business hours to designate when state facilities and grounds are open for public
22 access. The commissioner may delegate authority to set normal business hours for all
23 state facilities and grounds or for specific state facilities and grounds.

1 (b) Normal business hours of operation shall be posted at public entrances of state
2 facilities and prominently posted on state grounds.

3 (c) Public entrances, operating hours, and scope of access may be changed due to
4 maintenance, emergency, disaster, safety threats, and similar concerns as determined
5 by the commissioner.

6 (d) For purposes of public security and safety, all packages, backpacks, purses, bags,
7 briefcases, or other similar items brought into a state facility shall be subject to search.

8 (e) A visitor shall not enter or remain on state facilities or grounds after normal business
9 hours of operation without express approval, except state employees, contract workers
10 for the state, or members of the public who are:

- 11 1. Meeting with an agency or legislator in regard to a public matter;
- 12 2. Attending a scheduled public meeting; or
- 13 3. Escorted by a state employee for the purpose of conducting state business.

14 (f) Visitors present at a state facility or on state grounds may be given up to thirty (30)
15 minutes after normal business hours have ended to vacate the state facility or state
16 grounds
17 before being subject to immediate removal.

18 (g) If an agency allows individuals to remain in a state facility after normal business hours,
19 it may be found to be jointly liable for damage caused by unescorted visitors.

20 (h) Visitors shall not camp or remain overnight in state facilities or on state grounds.

21 (i) As a condition to their use of, or presence on, state facilities and grounds, applicant
22 and visitors agree that state and local law enforcement officers may physically remove
23 them from state facilities and grounds if they remain longer than thirty (30) minutes after

1 normal business hours have ended and waive any claim against the law enforcement
2 officers and the commonwealth unless undue force is used resulting in serious physical
3 injury as defined by KRS 500.080(15).

4 (3) Commercial activity.

5 (a) The following commercial activity shall be prohibited in state facilities or on state
6 grounds:

- 7 1. Selling, displaying, or vending commercial products;
- 8 2. Solicitation; and
- 9 3. Advertising.

10 (b) The restrictions in paragraph (a) of this subsection regarding commercial activity shall
11 not apply to:

- 12 1. State agencies;
- 13 2. State-affiliated or approved charitable fund-raising campaigns;
- 14 3. Individuals or organizations who have contracted with the state to conduct commercial
15 activity at state facilities or on state grounds;
- 16 4. Nominal employee activity, if it otherwise conforms with applicable employee ethics
17 restrictions and does not interfere with state business; and
- 18 5. Notice boards specifically set aside for public posting.

19 (4) Administration of usage conditions.

20 (a) In addition to any civil or criminal penalties provided for under Kentucky law, visitors
21 who violate the restrictions contained in this administrative regulation, agree to be, and
22 shall be subject to immediate removal from state grounds and facilities as follows:

- 23 1. If a violation concerns damage to state facilities or grounds, or disruption of state

1 business, the commissioner or agency head of the affected agency may request removal
2 by officers of the Kentucky State Police, contract security staff, or other state or local law
3 enforcement officers; or

4 2. If a violation concerns a safety concern or threat, removal may be done at the request
5 of the commissioner or agency head of the affected agency, or upon exercise of
6 independent discretion of the Kentucky State Police, contract security staff assigned to
7 the state facility or grounds, or other state and local law enforcement offices.

8 (b) The commissioner, agency head of a tenant agency, officers of the Kentucky State
9 Police, contract security staff, or other state or local law enforcement officers may place
10 limitations on total number of participants, the area in which an event may be conducted,
11 ~~and~~ may direct the clearing of an area or separation of groups, in order to ensure
12 compliance with applicable health and safety standards, ~~to~~ maintain public order, ~~and~~
13 ~~to~~ or ensure that normal public business may be conducted.

14 (c) This administrative regulation shall not:

15 1. Prohibit the regular conduct of agency operations in a state facility or on state grounds
16 after normal business hours regarding state facilities or grounds assigned to the agency's
17 use; or

18 2. Limit the ability of an agency to make full and unencumbered use of state facilities or
19 grounds assigned to them, subject to any specific conditions placed upon their use by the
20 department.

21 Section 4. Additional Conditions Regarding Access and Use for Historic Properties. (1)
22 Visitors to historic properties shall comply with the additional restrictions regarding the
23 use of the capitol grounds and state historic properties included in the Rules for Use of

1 State Facilities and Grounds.

2 (2) A visitor seeking to hold an event at a historic property shall comply with the
3 requirements in the Areas Available for Governmental and Business-Oriented Events and
4 Rental Use form.

5 (3) A visitor seeking to hold an event at the capitol shall also submit the Capitol Event
6 Information Form to the division.

7 (4) The Department of Parks and Kentucky Horse Park may advise and consult the
8 division in regard to any restrictions or use guidelines relating to state shrines or
9 museums.

10 Section 5. Enforcement. (1) Authority to initiate civil proceedings in the name of the
11 Commonwealth for any trespass or injury to state property under the cabinet's control
12 shall be vested with the cabinet's Office of General Counsel.

13 (2) The cabinet's Office of General Counsel may delegate authority to initiate civil
14 proceedings to counsel for an agency affected by a trespass or injury to state property,
15 to another agency, or to outside counsel.

16 (3) Nothing in this regulation is intended to waive or restrict in any way any normal criminal
17 or civil remedies available under law that relates to improper trespass on, or misuse of,
18 state facilities; obstruction of governmental operations~~[disruption of public business]~~;
19 nuisance; or any other legal remedy otherwise available to the Commonwealth or its
20 subdivisions.

21 (4) Nothing in this regulation is intended to limit, waive, or otherwise alter the authority the
22 rules for the operation and parking of motor vehicles on state grounds, as enumerated in
23 200 KAR 3:010.

1 Section 6. Incorporation by Reference.

2 (1) The following material is incorporated by reference:

3 (a) "Application to Use State Facilities and Grounds", June ~~2021~~[2019];

4 (b) "Rental Application and Lease Agreement", June 2019;

5 (c) "Rules for Use of State Facilities and Grounds", June ~~2021~~[2019]; and

6 (d) "Areas Available for Governmental and Business-Oriented Events and Rental Use",

7 June ~~2021~~[2019]. [~~;- and~~]

8 [~~(e) "Capitol Event Information Form", June 2019.~~]

9 (2) This material may be inspected, copied, or obtained, subject to applicable copyright

10 law, at the Finance and Administration Cabinet, Office of General Counsel, Capital Annex

11 Room 392, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

12 (45 Ky.R. 2528, 3190; 46 Ky.R.28; eff. 8-2-2019.)

200 KAR 3:020E

Signature Page

APPROVED:



Sam Ruth, Commissioner
Department for Facilities and Support Services

6/30/21

Date



Holly M. Johnson, Secretary
Finance and Administration Cabinet

6-30-21

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on August 24, 2021 at 10:00 a.m. at Kentucky Finance and Administration Cabinet Office of General Counsel, 702 Capital Ave., Suite 392, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on August 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Cary B. Bishop, Assistant General Counsel, Office of General Counsel, 702 Capital Ave., Suite 392, Frankfort, Kentucky 40601. Phone: (502)564-8627, Fax: (502) 564-9875. Email: cary.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No. 200 KAR 3:020E

Contact Person: Cary Bishop

Email: cary.bishop@ky.gov

Phone: 502-564-8627

(1) Provide a brief summary of:

(a) What this administrative regulation does: Establishes uniform rules for the governance of state Facilities and Grounds.

(b) The necessity of this administrative regulation: Sets standards to ensure safety and security of state Facilities and Grounds, as well as staff and visitors. Provides uniform guidelines for visitors to prevent damage to state properties, as well as to ensure for the efficient operation of state business.

(c) How this administrative regulation conforms to the content of the authorizing statutes: Finance and Administration Cabinet and its subdivisions are authorized by KRS 42.019, KRS 42.425, KRS 56.463, and KRS 56.010 to ensure the preservation and efficient operation of state Facilities, as well as to seek redress for damage to state property. This regulation establishes uniform standards for the use of state-owned properties by the public, in furtherance of those goals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By providing clear notice to agencies and visitors, of any standards and rules which exist in regard to the use of state Facilities and Grounds.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment authorizes visitors to state facilities to wear department-provided face coverings. Additionally, the amendment prohibits livestock from state facilities and grounds not designated for livestock purposes, enumerates safety standards regarding deadly weapons openly carried at state facilities or on state grounds, and adds clarifying definitions and language to the existing regulation

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to address the prohibition against face coverings worn by visitors contained in the existing regulation, potential damage to state facilities and grounds by livestock brought to facilities and grounds not intended for livestock purposes, safety standards regarding openly carried deadly weapons, and to clarify portions of the existing regulation that are ambiguous.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is consistent with the authority provided in KRS 42.019(1), 42.425(1)(c), 56.010, 56.463(8).

(d) How the amendment will assist in the effective administration of the statutes: This amendment updates provisions to assist with the efficient operation of state facilities, consistent with the KRS 42.425 responsibilities of the Department for Facilities and Support Services. The amendment also details uniform standards which apply to state facilities and grounds, as required by KRS 56.463(8), and provides guidance regarding instances when the Finance and Administration Cabinet may institute civil proceedings

pursuant to KRS 56.010.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Regulation offers clarity to state agencies and visitors to state properties regarding standards for use of Commonwealth Facilities and Grounds.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Department for Facilities and Support Services will work with agencies to provide face-coverings for visitors who wish to wear them in state facilities. Visitors to state facilities must comply with safety standards regarding openly carried deadly weapons, as well as prohibition against the presence of livestock at state facilities and grounds not designated for livestock purposes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs should be limited to the cost to the Department of Facilities and Support Services providing face coverings to visitors.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Agencies and the Department for Facilities and Support Services will be provided clarity regarding standards and rules which allow for the public right of access to state Facilities and Grounds while preserving the ability to conduct regular public business, ensuring the safety of staff and visitors, and avoiding damage to state properties.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Less than \$20,000 per year for purchase of face coverings.

(b) On a continuing basis: Less than \$20,000 per year for purchase of face coverings.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current budgetary funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or adjusted by the amendment.

(9) TIERING: Is tiering applied? Tiering is not applied. All state agencies follow identical requirements regarding the setting of normal business hours and their authority to establish an application process for public use of Facilities assigned to them. Similarly, visitors to state Facilities and Grounds are uniformly subject to the conditions set forth in this regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No. 200 KAR 3:020E

Contact Person: Cary Bishop

Email: cary.bishop@ky.gov

Phone: 502-564-8627

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The regulation impacts all state Facilities and Grounds owned or managed by the Finance and Administration Cabinet pursuant to KRS 56.463. Agencies occupying these state properties must observe the requirements of the regulation. State or local government agencies not occupying state Facilities and Grounds owned or managed by the Finance and Administration Cabinet will not be affected.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 42.019, KRS 42.425, KRS 56.463, and KRS 56.010.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There is no estimated effect on the expenses or revenues of any state or local agency from this administrative regulation. The amendment does not require any new labor-intensive administrative tasks, which may require additional staff, it merely clarifies standards to be applied regarding public use of state Facilities and Grounds.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Less than \$20,000 per year for purchase of face coverings.

(d) How much will it cost to administer this program for subsequent years? Less than \$20,000 per year for purchase of face coverings.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0

Expenditures (+/-): Less than \$20,000 per year for purchase of face coverings. Exact expenditures will vary based upon fluctuations in the number of visitors to state facilities and grounds, as well as supply and fluctuations in the cost of face coverings.

Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

- 1) "Application to Use State Facilities and Grounds", June 2021.
 - Updated Division of Historic Property contact information;
 - Updated formatting, including adding a "Date(s) Requested" field;
 - Requesting additional event information to better understand crowd size and equipment being brought in to support the event; and
 - Additional information requested eliminated the need for the separate "Capital Event Information Form", June 2019.
- 2) "Rental Application and Lease Agreement", June 2019.
- 3) "Rules for Use of State Facilities and Grounds", June 2021
 - Reformatted paragraphs to make the document more reader friendly;
 - Updated maximum capacity of the 2nd floor Mezzanine to make consistent with other portions of the document; and
 - Typographical updates.
- 4) "Areas Available for Governmental and Business-Oriented Events and Rental Use", June 2021.
 - Updated to reflect name title amendments of other forms incorporated by reference;
 - Updated to reflect the exceptions set forth in the regulation regarding the prohibition on wearing masks;
 - Updated to recognize that smoking is prohibited on all state grounds; and
 - Updated to clarify language around livestock and the release of objects or animals at the Capitol.

The forgoing applications are to be utilized by persons, organizations or groups who wish to use Commonwealth Facilities for various purposes or events. The materials list fees that apply regarding facility use and related set-up services. It also contains rules for the use of such Facilities.

APPLICATION TO USE STATE FACILITIES AND GROUNDS

Please complete the following four pages, making sure to sign where required, and return to the Division of Historic Properties by email at capitol.tourdesk@ky.gov, or by mail at:

Division of Historic Properties
Attn: Capitol Tour Desk
700 Capital Ave.
Frankfort, KY 40601

Upon receipt of your application, the Division of Historic Properties will review and notify you of the approval or any fees associated with your event.

NOTE: If a contemplated use of state facilities and grounds is for any purpose other than demonstration activities, the applicant must also submit a “Rental Information and Lease Agreement.”

Date(s) Requested:		
Section One: Applicant Contact Information		
First Name:	Last Name:	
Street Address:	Apt or Suite:	
City:	State:	Zip:
Primary Contact Number:	Ext:	
Alternate Contact Number:	Ext:	
Email:	Fax:	

Section Two: Organization Information (if applicable)		
Organization Name:		
Street Address:	Apt or Suite:	
City:	State:	Zip:
Organization Phone Number:		
Organization Email:	Fax:	
501(c)(3) number (if applicable):		

Section Three: Event Information

Name of Event:								
Anticipated Attendance:	Anticipated Number of Buses:							
Date(s) of Events:								
Start Time (including set-up):								
End Time (including clean-up):								
Event Web Address:								
Proposed Location/Address: (Additional forms may be required for use of Historic Buildings)								
Nature of Event (i.e. demonstration, rally, performance, etc):								
Please describe the proposed event in detail:								
Onsite Contact Person:								
Onsite Contact Mobile Phone:								
Are you aware of a person(s) or organization who may disrupt your event? <i>YES or NO</i> If yes, please explain in detail:								
Will any person(s) attending carry a firearm or weapon (either concealed or visible)? <i>YES or NO</i> If yes, please explain in detail:								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Has any news outlet(s) reached out to you regarding your event? <i>YES or NO</i></td> </tr> <tr> <td>Has this organization/event been previously coordinated, promoted, or held in/on state facilities or grounds? <i>YES or NO</i> If yes, please answer the following:</td> </tr> <tr> <td>Prior Event Name:</td> </tr> <tr> <td>Location:</td> </tr> <tr> <td>Date:</td> </tr> <tr> <td>Location Contact Person:</td> </tr> <tr> <td>Location Contact Primary Phone:</td> </tr> </table>		Has any news outlet(s) reached out to you regarding your event? <i>YES or NO</i>	Has this organization/event been previously coordinated, promoted, or held in/on state facilities or grounds? <i>YES or NO</i> If yes, please answer the following:	Prior Event Name:	Location:	Date:	Location Contact Person:	Location Contact Primary Phone:
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Has this organization/event been previously coordinated, promoted, or held in/on state facilities or grounds? <i>YES or NO</i> If yes, please answer the following:								
Prior Event Name:								
Location:								
Date:								
Location Contact Person:								
Location Contact Primary Phone:								

Section Four: Event Equipment

NOTE: All equipment must be supplied by applicant/organization for outdoor events only. Please attach vendor information/insurance if necessary.

Anticipated Props and Equipment (please mark all that apply, being specific as possible):	Banners:
Chairs (Quantity):	Distribution of Literature:
Tables (Quantity):	Press Riser or Stage:
Podium:	Portable Sound System:
Podium Backdrop, or Flags:	Camera Tripod:
Trash Receptacles:	Port-a-Potty's:
Lighting Equipment:	Extension Cords:
Handheld Signs, Placards (Quantity):	Other:
Food or Drink Services:	Handheld Signs, Placards (Quantity):

Section 5: Marshalls and Clean-up

Will Event Marshalls be utilized? YES or NO	If yes, how many?
How will an individual be identifiable as an Event Marshall? Please explain in detail.	
What is your trash removal and pick-up plan? Please explain in detail.	
Volunteers or outside Refuse company? If volunteers will be utilized, how many volunteers will be available onsite for cleanup?	
Refuse company name:	
Volunteer coordinator name:	
Volunteer coordinator mobile phone number:	

INDEMNIFICATION

The applicant agrees to indemnify, defend and save harmless the Finance and Administration Cabinet and the Commonwealth of Kentucky, its employees and agents from all claims, demands, suits, actions, cost and damages of every kind and description, including attorney’s fees or other litigation expenses which may be asserted or made against or incurred by the Finance and Administration Cabinet and the Commonwealth of Kentucky, its employees and agents, on account of loss of or damage to any property or for injuries to or death of any person caused by, arising out of, or contributed to, in whole or in part, by reasons of any alleged act, omission, mistake, negligence or other fault of applicant, its employees, agents, representatives, members, or contractors, their employees, agents, or representatives or guests of applicant in connection with or incident to the performance of this agreement, or arising out of applicants use of the facility. Applicant’s obligation under this provision shall not extend to any liability resulting from the sole negligence of the Commonwealth, any of its agencies, officers, employees, or agents.

ACCEPTANCE

I request use of the described Commonwealth facilities based on the rules set forth above and accept all terms and conditions contained herein. I certify that I am an authorized representative of the person(s), firm, group, or organization applying for permission to use the facilities; I am at least eighteen years of age, and am authorized to enter into agreements.

Name of person responsible: _____

Phone Number: _____

Email Address: _____

Signature: _____

Rental Application and Lease Agreement

Use of State-owned Facilities and Grounds is managed by the Finance and Administration Cabinet, Division of Historic Properties. In order to preserve the state facilities and grounds, rules for their use must be observed. Please read this document carefully. Signing this lease agreement means you agree to abide by these rules. If you have any questions, please contact the Division of Historic Properties at eventscheduling@ky.gov or at 502-564-3000. Strict enforcement of these rules will help preserve state facilities and grounds.

SPACE LIMITATIONS – RENTAL FEES - EQUIPMENT AVAILABILITY

NOTE: Rental fees do not include any equipment rental costs

❖ Room reservations can be made no more than 365 days in advance.

Space Available	Room Capacity	Food/Drink Permitted?	Rental Charge (all day)	Rental Charge (½ day)	Hours Available

EQUIPMENT RENTAL COST (per *booking date)

* A booking date constitutes any part of the day.

Laptop/ Projector	Podium w/ microphone	Monitor & HDMI cable	TV/DVD/VCR Combo	Overhead/ Slide Projector	Speakerphone	VCR	Video Conference Unit

Equipment is available on a “first-come, first-served” basis. Please request at least one week in advance. Conference phones are for local calls only. Long distance calls must be made via calling card or by using a toll free number.

Note: Reservations made by military organizations are exempt from all charges/fees.

FACILITY TERMS AND GUIDELINES FOR RENTAL USE OF STATE FACILITIES

- Rental use shall not extend beyond the hours scheduled.
- Any adjustments made to rental use must be approved by the Division of Historic Properties in advance.

FACILITY TERMS AND GUIDELINES FOR USE OF THE BUILDING *(cont.)*

- Payment must be made prior to the meeting date via cashier's check, money order, or agency-issued check made payable to the Kentucky State Treasurer. Payments shall be forwarded to:

Event Scheduling
Division of Historic Properties
401 Wapping Street
Frankfort, KY 40601

- Please consult the Division of Historic Properties regarding any other payment arrangements.
- The Division of Historic Properties reserves the right to decide whether a prospective Lessee's event is appropriate to be held in its facility.
- Any person given access to Commonwealth Information Technology resources is considered an Authorized User and requires acceptance of the policies we have in force.
- The cost of any damage to state property or associated property/equipment incurred during its use will be billed to the Lessee.
- **Twenty-four hour notice must be given in writing for a cancellation or the Lessee will be charged the regular meeting fee.**
- Under no circumstances will the Lessee be allowed on the premises after hours without prior arrangement with the Conference Center supervisor. **Only staff members of the Kentucky Transportation Cabinet Conference Center may provide access to the building or grounds after hours.**
- Please follow all safety and emergency instructions provided by the on-site staff member(s).
- Guests should not park in spaces marked "Reserved." Handicap- accessible parking is available.
- If the leased space becomes untenable because of fire, lock-outs, power failure, natural disaster, riots, insurrection, war, or other reasons of a like nature, and is not the fault of either party, or other unavoidable casualty, this Lease shall terminate. If such termination occurs before the Lease begins, the Commonwealth will refund to the Lessee any deposit heretofore paid by the Lessee. In the event such termination occurs during the term of this Lease, the Lessee will pay to the Commonwealth a pro rata portion of the rent to that time; the Commonwealth will refund any part of the rent already paid by the Lessee which exceeds such amount. In the event of such termination, the Lessee hereby waives any claim for damages or compensation, which might arise out of such termination.

SMOKING

- Pursuant to Executive Order #2014-747, government buildings and properties are smoke-free.

ELECTRICAL SERVICE

- **Electrical service on the property is may be limited.** Please check with Conference Center staff prior to the event to insure that accommodations can be provided.

EQUIPMENT & TELEPHONE AVAILABILITY

- Easels, flip-chart stands and dry erase markers may be made available for use by meeting participants at no additional charge. **No copy machine is available for use by meeting participants.**

FOOD AND BEVERAGE

- **Subject to the Department of Parks' standing right of first refusal** to provide catering services for facility events, Lessee may select a caterer of choice, but only upon prior approval by the Commonwealth.
- **The Division of Historic Properties** may reserve the right to make limitations on food and drink that may be prepared or served in available spaces.
- ALL outside caterers will be required to have on file with the Division of Historic Properties current and appropriate documents pertaining to certification and licensing by a Kentucky county health department and any current business licenses issued by the City of Frankfort. Caterers must also provide proof of insurance listing the Finance and Administration Cabinet as an additional insured. No Exceptions. These documents must be presented **PRIOR** to the event taking place at the facility.
- Lessee or caterer will be responsible for cleaning all surfaces and disposing of trash from all food service and preparation areas before Lessee leaves the facility.
- A surcharge of up to \$100 may be required for each area of carpet soiled by food. The decision to impose this charge rests solely with the staff of the Division of Historic Properties.

DECORATIONS AND RENTED EQUIPMENT

- Posters/displays/decorations – Nothing may be hung on the walls, furniture, windows, or doors using any type of tape, fastener or adhesive. Lessees may use flipchart stands or dry erase boards located in the room. Please consult Division of Historic Properties staff for safe alternatives.
- All decorations, floral arrangements, items rented from other entities, etc., must be removed from the premises immediately following the scheduled event unless alternative arrangements have been made in writing prior to the event.
- ALL externally-rented equipment (tables, chairs, linens, etc.) with Division of Historic Properties staff approval must be set up after 8:00 a.m. and be taken down by the Lessee (or agents contracted by the Lessee) before 3:00 p.m. on the same day that the facility is used, unless staff has granted written approval prior to the event.
- On-site staff will assist with the placement of rental equipment, but cannot load, unload, or set up rental equipment.
- **Absolutely NO glitter or confetti may be used inside rented facilities.** This includes the use of decorative confetti and loose potpourri on tables. Please consult with Division of Historic Properties staff regarding any questionable items, including candles.
- **Only flameless candles are permitted.**
- Please consult with Division of Historic Properties staff regarding any questionable items.

Please make arrangements to meet with a Division of Historic Properties staff member regarding your event well in advance so that we may be of assistance with any proposed set-up or arrangements, which may conflict with our guidelines.

Please make out-of-town guests and any other staff for your event or meeting aware of the guidelines for use of Commonwealth facilities. You must copy this document and give it to everyone who will be working with your event or meeting to ensure they understand our guidelines. Since you, the Lessee, are ultimately responsible for the actions of these agents, it is essential that you communicate the terms and guidelines of use of the facility to all attendants in order to assure a worry-free event.

Please sign and submit the attached lease agreement.

INDEMNIFICATION

The applicant/lessee agrees to indemnify, defend and save harmless the Commonwealth of Kentucky, its agencies, employees, and agents from all claims, demands, suits, actions, proceedings lost, cost and damages of every kind and description, including attorney's fees or other litigation expenses which may be asserted or made against or incurred by the Commonwealth of Kentucky, its agencies, employees, or agents, on account of loss of or damage to any property or for injuries to or death of any person caused by, arising out of, or contributed to, in whole or in part, by reasons of any alleged act, omission, mistake, negligence or other fault of applicant/lessee, its employees, agents, representatives, members, or contractors, their employees, agents, or representatives or guests of applicant in connection with or incident to the performance of this agreement, or arising out of applicant's use of the facility.

ACCEPTANCE

I request use of the described Commonwealth facilities based on the rules set forth above. I certify that I am an authorized representative of the person(s), firm, group, or organization applying for permission to use the facilities and authorized to enter into this Lease agreement.

Name of person responsible:

Lessee Company or Agency:

Address:

Phone: Fax: E-mail:

Space Requested:

Date Requested: Hours Requested:

Number Expected to Attend: Title of Event

Set-up Preference: (i.e. conference, classroom, u-shape, hollow square)

Catering Services: Yes No (Dept. of Parks catering menu upon request)

Note: Please read applicable rules for food service on page 3 of agreement.

Equipment Rental: TV/DVD/VCR monitor/HDMI cable projector podium w/microphone
overhead speakerphone video-conference unit

Please specify if you wish to use provided equipment.

When using computer labs, the leasing agency agrees to delete any software loaded for specific training. Special needs for software or program use will need prior approval from the Conference Center supervisor. Persons given access to Commonwealth Information Technology resources are considered Authorized Users and require acceptance of the policies we have in force.

Please fax, mail, or scan and email this signed agreement to Event Scheduling, Division of State Historic Properties, 401 Wapping Street, Frankfort, KY 40601. If you have any questions, please contact the Division at eventscheduling@ky.gov or at 502-564-3000. Please let us know if you have special requests and/or ADA needs.

SIGNATURE: _____ DATE _____

- Customer Notes:

**FINANCE & ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES
DIVISION OF HISTORIC PROPERTIES
RULES FOR USE OF PUBLIC AREAS
FOR THE CAPITOL AND GROUNDS**

The Finance and Administration Cabinet permits persons, organizations or groups to use Commonwealth facilities for various purposes and events when the use will not interfere with or disrupt governmental functions. The following rules have been developed to ensure the care and protection of the historic Capitol building and grounds and to ensure a safe and orderly environment for your organization. Use of these areas must comply with all rules. All activities scheduled for the public areas must be approved through the Division of Historic Properties. An "Application to Use State Facilities and Grounds" form must be completed and signed. At no time will enforcement of these rules be influenced or affected by age, race, national origin, disability and religion or partisan politics.

Requests generally will be scheduled on a first-come, first-served basis. The Governor will have priority over use of the Rotunda and other public areas of the Capitol. We reserve the right to relocate any activity at our discretion if the Governor needs any area. **No previously-scheduled event shall be rescheduled less than three (3) days prior to the scheduled date, except when deemed a necessity for important public business or when serious health or safety concerns arise.**

1. Activities scheduled for the interior Capitol building and Capitol Rotunda must be limited to no more than 150 (standing) or 100 (seated) people. Groups larger than 150 must reserve the 2nd floor mezzanine level for overflow standing. Due to safety and conservation concerns, no more than 300 people may assemble for an event within the Rotunda and 2nd Floor Mezzanine. Groups larger than 300 people will only be permitted to use the Capitol front steps or Capitol exterior spaces for assembly.
2. Activities scheduled for the Capitol and Capitol Grounds are not to begin before 8:00 A.M. and must conclude prior to 4:00 P.M., Monday through Friday (excluding state holidays.) Other times may be considered with special permission and availability.
3. Except as specifically provided by regulation, no activity involving masks or other methods of disguising participants will be permitted in the Capitol or on the Capitol Grounds.
4. At no time shall any entrance or exit of the building or any staircase or stairwell be blocked in such a way to impede free access to or from or within the building by its occupants or the public.
5. In order not to unduly disturb the working environment in the Capitol building, all activities scheduled for the Rotunda and Capitol interior public spaces during normal business hours must be limited to one hour.
6. Any activity involving music or entertainment during regular business hours on the Capitol grounds or within the Capitol building must be held between the hours of 11:30a.m. and 1:00 p.m., and is limited to one hour in length, with the exception of approved events on the 2nd floor mezzanine level, which are limited to two hours in length.

7. Smoking is not allowed in the buildings or on the grounds of state facilities.
8. Activities scheduled for the Capitol exterior may not be moved inside without prior written approval from the Division of Historic Properties.
9. Exterior activities must be confined to the Capitol Steps or pre-approved areas upon the grounds.
10. Do not bring human or animal waste, blood, tissues or organs into the Capitol Building.
11. Animals, alive or dead, may not be brought into the Capitol Building except for animals assisting with disabilities or special permission is granted in advance by the Division of Historic Properties. Livestock is prohibited without prior written permission from the Division of Historic Properties. Owners are responsible for removing all animal waste and by-product.
12. Use of additional equipment not provided by the Division of Historic Properties and the Division of Building Services including lights, audio, etc., must be approved in advance, in writing, by the Division of Historic Properties.
13. At no time may the tables or other equipment be placed in the public hallways, doorways or stairwells of the Capitol building, impeding public access to, from and within the building.
14. Due to the constricted space and crowded conditions that often prevail inside the Capitol, only paper-based, poster board or placard type signs (approximately 2'x3') are allowed within the building. Large, hand-carried framed signs, banners and signs or posters on sticks represent a serious safety hazard to visitors, occupants and the building's historic finishes, furnishings, statuary and works of art.
15. Banners, flags or other decorations for use within the Capitol must be mounted to free standing frames. Please ensure that any frame or base for flags, easels, etc., has protective footing so that it does not mar the Capitol marble surfaces.
16. Flags may be displayed in bases that are sufficiently weighted to ensure the stability of the flag and staff.
17. Flags, displays and all other equipment should be placed at a safe distance from statues, art or exhibits to ensure they cannot cause damage should they fall over. Flags being carried must be handled safely to avoid injury to people, building features and works of art.
18. Posting or affixing signs, announcements or other documents to any surface or equipment in the Capitol or on the Capitol Grounds is strictly prohibited. Application may be made for exhibits with the Capitol/Annex tunnel. A separate application form applies for this area.
19. As works of art, Rotunda sculptures are treated in the same manner a museum would care for their objects, therefore, nothing is to be attached to, leaned against or draped over the sculptures or pedestal bases. No one is permitted to climb on the sculptures or bases. Do not touch or otherwise tamper with any statue or bust.
20. Do not touch or tamper with any paintings or other exhibits. Please keep hot light fixtures, including stage lights, as far away from paintings as possible.
21. Use of tape, adhesives, nails, screws, staples, brads, rivets or other connectors to attach any item to any Capitol surface equipment (including tables, chairs and podium) or on Capitol Grounds is strictly prohibited.
22. Do not hammer on any surface within the Capitol or on the Capitol Grounds.

23. Use of any kind of uncoated metal wire, nylon cord, or other abrasive material on surfaces or fixtures within the Capitol interior or on the Capitol exterior is prohibited.
24. Please do not climb on or lean ladders against columns, balustrades or other building features. Check with Building Superintendent if assistance is required.
25. Food may only be served on the 2nd floor Mezzanine level public space or in approved areas on the Capitol grounds in conjunction with a state-sponsored awards ceremony or special event. Meals may not be served inside the Capitol Building public areas. Only light refreshments, hors d' oeuvres and non-alcoholic beverages may be served in conjunction with receptions, etc. Maximum attendance permitted on the 2nd floor mezzanine: 200 people.
26. Use of hot plates, chafers and electric appliances in conjunction with food service is prohibited. No cooking of food is allowed onsite. The applicant/hosting entity must assume responsibility for the preparation, service and consumption of all food and beverages provided and required permits and licensing that may be required for the event.
27. Applicants are required to (immediately) clean up spills. Marble surfaces are particularly vulnerable to damage by food or beverages made from berries, acidic punches and colas. In case of spills, all clean-up materials must be obtained at the Building Superintendents Office located in Room 2 of the Capitol basement.
28. Do not place glasses, cups or other containers on steps, railings, bases of columns, balustrades or furniture.
29. No food or drink is allowed inside the Rotunda.
30. Use of open flames and candles in the Capitol or on the Capitol Grounds is strictly restricted. A request to use candles for an event must be received in writing by the Division of Historic Properties. If candles are approved, they must be in a container in order to contain flame and dripping wax. If any wax is spilled, the Building Superintendent must be immediately notified.
31. Smoke or fog (theatrical or otherwise), and devices, which produce similar effects are strictly prohibited for use inside the Capitol building or on the Capitol grounds unless specifically approved by the Division of Historic Properties prior to the event.
32. Traffic may not be blocked on Capital Avenue or the circle drive around the Capitol without the prior approval of the Division of Historic Properties and Facilities Security. If city streets around the Capitol must be blocked, permission from the City of Frankfort/Police Department must be received in writing by the Division of Historic Properties. A parade permit may be required.
33. Driving or placement of any vehicle or heavy equipment on the lawns, sidewalks or terraces of the Capitol and grounds is strictly prohibited. Emergency vehicles during the discharge of their duties will be given access to all areas of the Capitol and Capitol Grounds. Prior written permission must be obtained from the Division of Historic Properties in order to drive or place any vehicle on the Capitol sidewalks, terraces or Capitol grounds.
34. Due to the presence of underground utilities, irrigation and other lines nothing shall be driven into the ground or placed on the grounds anywhere without the location and method of placement approved in advance and in writing by the Division of Historic Properties.
35. Camping on the Capitol grounds is prohibited.

36. Staked tents are strictly restricted. Please consult with the Division of Historic Properties for advice and permission to use staked tents on the Capitol grounds.
37. Balloons are not allowed in the Rotunda. The release of balloons, birds, animals or other objects in the Capitol or at the Capitol grounds is strictly prohibited.
38. Weddings and receptions are not allowed in the Capitol building or on the Capitol grounds.
39. Fireworks and other types of displays are strictly prohibited and may only be used in conjunction with state-sponsored celebrations. A request to use fireworks must be received in writing by the Division of Historic Properties and permission may be granted by the Historic Properties Advisory Commission on advice and consul from the Division of Historic Properties. Special permits may be required from the City of Frankfort and other governmental entities.
40. Any group or organization approved for use of the Capitol will be required to reimburse the state for the cost of all staff services such as additional security, set up of tables, chairs, podiums or additional janitorial or maintenance services. Any services requested on the application will be evaluated to determine the applicable charge. Applicant will be notified of this charge at the time of confirmation of the activity. Payment must be made within 2 business days prior to the scheduled event.
41. Each group/organization requesting permission to use the Capitol or Capitol grounds shall be responsible for making sure litter, signs and any other materials brought by their group are (immediately) removed from the premises following the activity. A clean-up/damage deposit may be required and must be paid prior to the confirmation and approval of the application. Upon completion of the event, the area will be surveyed by the Building Superintendent and staff from the Division of Historic Properties. If no additional clean-up is required, any deposit will be returned to the event organizer.
42. An event insurance policy may be required for any event held at the Capitol or on the Capitol grounds. This requirement is at the sole discretion of the Division of Historic Properties.

**FINANCE & ADMINISTRATION CABINET
DEPARTMENT FOR FACILITIES AND SUPPORT SERVICES
DIVISION OF HISTORIC PROPERTIES
AREAS AVAILABLE FOR GOVERNMENTAL EVENTS,
BUSINESS-ORIENTED EVENTS AND RENTAL USE**

Capitol Rotunda

The Capitol Rotunda may be scheduled for press conferences, rallies and public speaking engagements during regular business hours: Presentations and meetings, including the use of screens or other audio/visual equipment will not be accommodated in the Capitol's public spaces.

Maximum capacity is 100 seated, 150 standing room only. For larger events that the Rotunda will not accommodate, please reserve the 2nd floor Mezzanine for overflow of the Rotunda space. Due to safety and conservation concerns, no more than 300 people may assemble for an event within the Rotunda and 2nd Floor Mezzanine. Groups larger than 300 people will only be permitted to use the exterior Capitol grounds for assembly. At no time shall the public hallways, doorways or staircases be impeded during your event.

Musical and other entertainment performances are scheduled only during the hours of 11:30 a.m. until 1:00 p.m., Monday through Friday, excluding state holidays, per the HPAC guidelines. If no set-up is required, no charge will apply for these limited, special, public performances, subject to availability of the space.

Fee for Set-up: \$25 for one hour (maximum event time 1 hour.)

- ❖ Set up includes podium with microphone and speakers and backdrop;
- ❖ Chairs may be added at the cost of \$0.50 each, up to 100 chairs total in the Rotunda; and
- ❖ Additional items such as 8 foot tables may be added at the cost of \$5 per table.
- ❖ Tables are to be used for materials, temporary exhibit placement during the event scheduled, or for presentation of awards.

Per the HPAC guidelines, food and drink is not permitted to be served or consumed in the Capitol Rotunda or in the public hallways of the 1st floor of the Capitol.

Capitol 2nd Floor Mezzanine

The second floor public areas overlooking the Capitol Rotunda may be scheduled for Rotunda overflow, exhibit space and approved receptions with light refreshments during regular business hours (Monday through Friday, excluding state holidays, 8:00 a.m. until 4:00 p.m.):. At no time shall the public hallways, doorways or staircases be impeded during your event. Due to safety and conservation concerns, no more than 150 people may assemble for an event on the 2nd Floor Mezzanine.

Exhibit Space: \$20 per hour (limited to 2 hours total.)

Set up includes the following:

- ❖ Up to 4 eight-foot tables for exhibit space;
- ❖ 2nd Floor Mezzanine only within the inset areas overlooking the Capitol Rotunda; and

- ❖ Additional 8 foot tables may be added at the cost of \$5 per table needed.

Reception - 2nd Floor Mezzanine

Only state-sponsored events in conjunction with an awards ceremony or special events (please see guidelines.)

\$50 per hour (limited to 2 hours total.) Maximum Attendance permitted: 150 people.

- ❖ 2nd Floor Mezzanine space, only within the inset areas overlooking the Rotunda.
- ❖ Set up includes up to 4 eight-foot tables for light refreshments, and 2 trash cans.

The Capitol Front Steps may be scheduled for the following events during regular business hours (Monday through Friday, excluding state holidays, 8:00 a.m. until 4:00 p.m.): press conferences, rallies and public speaking engagements.

Musical and other entertainment performances on the entire Capitol grounds are scheduled only during the hours of 11:30 a.m. until 1:00 p.m., Monday through Friday, excluding state government holidays.

Use of Capitol equipment outside:

Fee for Set-up: \$15 for each hour needed (limit 2 hours total.)

- ❖ Set up includes podium with microphone.
- ❖ At no time shall the entrance/exit to the Capitol building be impeded.
- ❖ Applicants will need to provide any other equipment (i.e. tables for information or chairs.)

Fees collected from events at the Capitol assist with the maintenance and conservation efforts of this nearly 100-year-old landmark Capitol building.

- ❖ All fees due are to be paid to the Division of Historic Properties either via credit card, check, or interaccount no later than 48 hours or 2 business days prior to the scheduled event. Changes to the set-up less than 48 hours prior or 2 business days prior to the scheduled event cannot always be accommodated. Additional fees will apply for any added tables and chairs or other items needed and fees due must be paid prior to the scheduled event occurring at the Capitol or on the Capitol grounds. Please notify the Division of Historic Properties at 502-564-3000 as soon as possible to add additional items or to make changes to your set-up.
- ❖ All equipment requested is subject to availability.
- ❖ If a contractor plans to provide any of the items needed for your event, please consult with the Division of Historic Properties to obtain permission for any items you plan to set up on the Capitol Grounds or within the Capitol public spaces.
- ❖ For all events, additional charges may apply for added security, maintenance, trash collection, etc.

Other Information

- ❖ For additional audio/visual equipment (i.e. mult box for media hook up) please contact Bruce Armstrong with the Division of Creative Services at 502-564-4508. Fees apply for the use of equipment and staff required. For political events, a private contractor is required for additional audio/visual services. The following vendors are familiar with the Capitol: AVT (Brad Abney) at 859-254-8954 or MSI (Tim Jones) at 859-684-5559.
- ❖ For additional security requests, please contact Facilities Security at 502-564-9877. Charges may apply for extra security staffing.

- ❖ The City of Frankfort Police Department should be contacted at 502-875-8523 regarding any pertinent parade permits or events requiring city streets to be closed.
- ❖ For special parking requests on the Capitol Complex, please note details of the number of vehicles, types and sizes of vehicle, and any other pertinent vehicle information on the event outline worksheet.
- ❖ The Department of Parks at 502-564-3142 can provide catering services for events on the Capitol Grounds. All other outside caterers and vendors must provide the appropriate catering license/certification from the Health Department, as well as appropriate business licensing and proof of liability insurance. These documents must be submitted to the Division of Historic Properties at least 48 hours or 2 business days prior to an *event*.
- ❖ Large trash collection needs must be contracted by the event coordinators.
- ❖ For all other requests, please contact the Division of Historic Properties at 502-564-3000, extension 228 or 226.

While onsite, please notify the Capitol Security Desk located in the East End Vestibule in case of fire, injury or damage to the building. For assistance in the proper use of the Capitol or Capitol grounds, please direct inquiries to the Division of Historic Properties at 502-564-3000, extension 226.

Government-issued photo identification is required to gain access to the Capitol and Annex buildings. Teachers or other organizations must have a roster of the children in their group.

FINANCE AND ADMINISTRATION CABINET
Department for Facilities and Support Services
(Amendment)
200 KAR 3:020E. Use of State-Owned Facilities and Grounds.

KRS 13A.190 (8) Documentary Evidence

This emergency administrative regulation is necessary to allow visitors to state facilities and grounds the ability to wear department-provided face coverings to prevent or mitigate the spread of communicable disease. This emergency administrative regulation is also necessary to implement certain safety measures and protocols to allow citizens to be able to return to and visit the New State Capitol beginning on July 1, 2021 without an appointment being required. At the request of the Kentucky State Police, this emergency administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)1, to meet an imminent threat to public health, safety, and welfare by providing for mitigation against the spread of the COVID-19 virus and by providing safety measures and protocols to protect the health, safety, and welfare of citizens at the New State Capitol and other state offices and buildings.

An ordinary administrative regulation is not sufficient because the COVID-19 virus may mutate and spread, the form of new strains or variants, after the state of emergency has lifted in the Commonwealth, and the New State Capitol will be open to visitors without the requirement of an appointment beginning on July 1, 2021. Delaying the effective date of the ordinary regulation may leave a multi-month period after expiration of the state of emergency where the wearing of face-coverings to prevent or mitigate the spread of communicable disease is barred by 200 KAR 3:020, and where certain safety measures and protocols would not be implemented to protect the health, safety, and welfare of citizens visiting the New State Capitol and other state offices and buildings without an appointment beginning on July 1, 2021. Enacting an emergency regulation would avoid this unnecessary risk.

In support of a finding that this administrative regulation is necessary to meet an imminent threat to public health, safety, welfare, or the environment attached please find a copy of Executive Order 2021-386.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-386
June 11, 2021

STATE OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth. While Kentucky has experienced far too many tragic losses due to COVID-19, we have fared far better than many of our neighbors thanks to the hard work and sacrifices of Team Kentucky.

The three FDA-approved COVID-19 vaccines have been proven through numerous studies to be both safe and highly effective in preventing the deleterious health effects associated with COVID-19. As of today, over 58% of Kentucky's adult population has received at least one dose of a vaccine and over 82% of Kentuckians who are 65 years of age and older have received at least one dose of a vaccine. These numbers are anticipated to continue to increase. Children age 12 and older are also now eligible to receive one vaccine and may in the future be eligible for other vaccines. Thanks to this great success, several of the previously necessary public health measures are no longer required to prevent the health care system from being overwhelmed.

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. Executive Orders 2020-243, 2020-257, 2020-323, 2020-396, 2020-398, 2020-881, 2020-1041, and 2021-326 are hereby rescinded. All Orders of the Cabinet for Health and Family Services implementing these Executive Orders and requirements for specific sectors, businesses, and entities are hereby rescinded.
2. The Healthy At Work requirements, as well as the Healthy At Work website, are hereby rescinded. Best practices and recommendations for preventing COVID-19, as well as the latest information on the pandemic, remain available at KYCOVID19.ky.gov.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-386
June 11, 2021

3. For the purposes of this order, a “face covering” is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers.
4. Individuals are not required to wear a face covering, with the exception of the following:
 - i. Any person riding on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations shall wear a face covering.
 - ii. Any person in a healthcare setting shall wear a face covering.
 - iii. Any person in a long-term care setting shall wear a face covering.
 - iv. Additionally, it is recommended that face coverings be worn by any person: in a correctional facility; in a homeless shelter; or who is immune-compromised, is exhibiting symptoms of COVID-19, or has tested positive for COVID-19 in the prior ten (10) days.
5. In order to ensure Kentucky remains eligible for various federal funding opportunities that require a state of emergency declaration, the state of emergency declared in Executive Order 2020-215 remains in place.
6. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.
7. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-386
June 11, 2021

8. This Order is effective at 1:00 p.m. on June 11, 2021.

A handwritten signature in cursive script that reads "Andy Beshear".

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State