



Montana Operations Manual *Policy*

Category

**Facilities/
Security/Leases**

Effective Date

September 1, 2013

Last Revised

May 18, 2016

Issuing Authority

**Department of Administration
General Services Division**

Public Safety and Facility Use for State Space and State Grounds in Helena

I. Purpose

This policy establishes standards of conduct and use to protect state property and create a safe environment for state employees, legislators, and visitors on state property in the Helena area.

II. Scope

This policy applies to all state-owned and state-leased space (referred to as "state space" in this policy) and state grounds in Helena in accordance with the Department of Administration's (DOA) responsibilities under [2-17-811](#), Montana Code Annotated (MCA).

This policy does not apply to Montana University System buildings or grounds in the Helena area. Refer questions concerning conduct policies for the University to the Commissioner of Higher Education's Office at (406) 444-6570.

Direct questions regarding this policy to the General Services Division (GSD) Administrator at (406) 444-3060 or gdservicedesk@mt.gov.

III. General Requirements

A. Capitol Hours: The Capitol is open to the public Monday through Friday 7:00 a.m. - 6:00 p.m. and Saturdays, Sundays, and most holidays from 9:00 a.m. - 3:00 p.m. The Capitol is closed on Thanksgiving, Christmas, and New Year's Day.

During legislative sessions (January - April in odd-numbered years), the Capitol is open to the public Monday through Friday 6:00 a.m. - 9:00 p.m. and Saturdays and Sundays 6:00 a.m. - 3:00 p.m.

B. Identification: State employees, legislators, volunteers, and contractors hired by the state shall have their state-issued identification badge on their person while in state space.

C. Items Subject to Search: To enhance security and public safety, state security personnel and law enforcement may inspect packages, bags, backpacks, purses, briefcases, or other items reasonably suspected of concealing stolen items or any item that may be capable of injuring, damaging, or harming persons or property in state space or on state grounds.

D. Weapons and Destructive Devices: A person may not possess a firearm, loaded or unloaded, concealed or open, a weapon, a destructive device, or an explosive in state space or on state grounds. An exception regarding weapons is made for law enforcement officers and armored car service officers.

"Weapon" means "an instrument, article, or substance that, regardless of its primary function, is readily capable of being used to produce death or serious bodily injury." [45-2-101](#), MCA. For purposes of this policy, "weapon" does not include Montana Historical Society artifacts.

"Destructive device" includes, but is not limited to, explosive and incendiary material, bombs, and grenades. [45-8-332](#), MCA.

"Explosive" means "a chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion." [ARM 23.12.401](#).

E. Flammable, Combustible, and Hazardous Materials: Candles, open flames, flammable or combustible materials, or hazardous, corrosive, or toxic liquids or gasses that could cause damage, discomfort, or harm to people or damage public property are prohibited unless approved by GSD.

F. Unmanned Aircraft Systems: Commercial operation of drones or "unmanned aircraft systems" as defined in [46-5-109](#), MCA is permitted on state grounds with written approval from the FAA and authorization from GSD obtained through the Unmanned Aircraft Systems Use Permit.

Recreational or hobby use of drones, launching or landing, is not allowed on state grounds.

Law enforcement is exempt from Section F.

G. Inappropriate Behavior: Abusive, threatening, or disorderly behavior as defined in [45-8-101](#), MCA, is prohibited in state space or on state grounds.

H. Panhandling: Panhandling is not permitted on state grounds or in state space.

- I. **Camping:** Camping and sleeping overnight are prohibited in state space or on the state grounds in Helena without GSD's written approval.
- J. **Animals in State Buildings:** Only service animals assisting people with disabilities, or being trained as a service animal and under the trainer's control are allowed in state space in Helena unless authorized by GSD. Owners/handlers shall provide proof of service animal certification to GSD if requested.
- K. **Non-Smoking Facilities:** Smoking and use of vapor products, as defined in [16-11-302](#), MCA, are prohibited in state space and within 30 feet of a state-owned building door, window, or ventilation system.

IV. Use of State Space and State Grounds

A. Permits:

1. Public events and rallies may be conducted in the Capitol Rotunda and on state grounds after obtaining a use permit from GSD. GSD may impose appropriate conditions and restrictions on rallies for general safety purposes. Use permits must be in the possession of the event organizer at all times during the event or rally.

To accommodate requests of other event organizers, GSD may limit the amount of time the state grounds and the Rotunda may be scheduled.

The state may cancel a scheduled event if the location is required for an official state function. In such cases, GSD will notify the contact person as soon as possible, and every effort will be made to allow for rescheduling the event.

Events may be scheduled up to one year in advance.

Permits for noise, traffic control, and street closures must be obtained from the City of Helena by calling (406) 447-8000.

The permit can be accessed here. <http://gsd.mt.gov/EventPermit>

Use of unmanned aircraft systems (UAS) may be allowed on state grounds by obtaining a permit. Contact the GSD office located at 1310 East Lockey in Helena. GSD may be contacted at (406) 444-3060 or at gsd.mt.gov.

- B. **Solicitation of Business:** Individuals or entities interested in soliciting business in state space or on state grounds in Helena shall obtain a use

permit from GSD (see above). Solicitation may take place only under conditions specified in the use permit.

- C. Meeting Rooms:** Except as noted under "Special Room Reservations", state building meeting rooms are not available for non-state purposes after 5:00 p.m. unless approved by GSD.
- D. Special Room Reservations:** The Legislative Services Division is responsible for scheduling rooms on the first, third, and fourth floors of the Capitol. Special restrictions may apply. Reservations can be made by calling the Legislative Services office at (406) 444-3064.

The Montana Historical Society (MHS) is responsible for scheduling the use of the Montana Veterans' and Pioneers' Memorial Building (MHS Museum). Special restrictions may apply. Reservations may be made by calling (406) 444-1799.

- E. Alcoholic Beverages:** Alcoholic beverages may not be served or consumed in state space or on state grounds unless served as part of an authorized function approved by the agency head and the event is catered by an alcoholic beverage licensee authorized under [16-4-204](#) or [16-4-111](#), MCA.
- F. Admission Fee Prohibited:** Aside from MHS events, admission fees may not be charged for events or activities held in state space or on state grounds. In addition, all areas must remain open to the public during permitted events.
- G. Fire Exits:** Fire exits must remain open and unlocked from the inside at all times. Doors and hallways may not be blocked.
- H. Indoor and Outdoor Displays:** Indoor displays of materials by a person or organization with a use permit is limited to the Rotunda unless approved by GSD. Displays may not be attached to any wall. Groups interested in hanging banners from the third floor railings surrounding the Rotunda must agree to have those displays hung by GSD as specified in their use permit. Outdoor display materials may not be displayed or attached to the exterior of the Capitol, state buildings, flag poles, light poles, trees, or any fixture.
- I. Disruptive Activities:** Activities or events may not interfere with the normal functions of state government or other approved events in state space or on state grounds.
- J. Noise:** Noise created by activities or events may not be disruptive to state government or surrounding neighborhoods. In addition, noise permits from the City of Helena may be required and can be obtained by calling (406) 447-8000. Approval and permits may require notification of area residents.

- K. Signs and Masks:** Signs on sticks and masks are prohibited inside state space, unless approved by GSD.
- L. Ceremonial Use of Firearms:** Any person or organization desiring to use ceremonial firearms using blanks, such as 21-gun salutes or cannons, shall obtain GSD's prior approval and a permit from the City of Helena. Approval and permits may require notification of area residents.
- M. Lying in State in the Capitol:** Persons who occupy or have occupied statewide elected offices, the Governor's spouse, and Montana's members of the US Congress may lie in state in the Capitol. This activity must be coordinated with the GSD administrator.
- N. Cleaning:** The person or organization named in the use permit is required to clean the area used immediately following the conclusion of the event.

At the permittee's option, GSD may be paid a flat rate, based on the size of the event, for necessary cleaning.

V. Reimbursable Costs and Insurance

- A.** Event organizers are required to reimburse the state for janitorial, maintenance, grounds, or security services necessitated by the event specified in the use permit. If additional services are necessary, a deposit may be required. Payment of overtime may be required.

Basic event services (setting up and taking down chairs, tables, podium, basic sound system, garbage removal, and hanging banners) are provided without charge.

- B.** Event organizers are responsible for any damages to state space or state grounds, including its contents, and shall reimburse the state for the total cost of any necessary repairs or replacements. Depending on the event, GSD may require a commercial general liability insurance policy from a licensed insurance company for bodily injury, personal injury, and property damage, naming the state, its agents, officers, volunteers, and employees as additional insureds for liability arising out of activities performed by or on the organizer's behalf, including the state's general supervision of the organizer and the premises owned, leased, occupied, or used. GSD shall determine the specific levels of coverages.

VI. Enforcement of Policy Violations

Policy violations may result in disciplinary action, including but not limited to, suspension; termination; expulsion; and/or arrest and prosecution under [45-8-](#)

[328](#), MCA; [45-6-203](#), MCA; Helena City Ordinance 5-1-32; or any other applicable law.

VII. References: This section contains links to supporting documents or sources.

[2-17-811](#), MCA. Custodial care of capitol buildings and grounds.

[16-11-302](#), MCA. Definitions.

[45-2-101](#), MCA. General definitions.

[45-6-203](#), MCA. Criminal trespass to property.

[45-8-101](#), MCA. Disorderly conduct.

[45-8-328](#), MCA. Carrying concealed weapon in prohibited place -- penalty.

[45-8-332](#), MCA. Definitions.

[46-5-109](#), MCA. Limitations on unmanned aerial vehicles.

[ARM 23.12.401](#). Definitions.

Agency MOUs:

[MOU FWP signed exception](#)
[MOU DNRC signed exception](#)
[MOU MHS signed exception](#)
[MOU SAO signed exception](#)

VIII. Phone Contacts:

For emergencies: call 911.

For non-emergency police assistance: call (406) 444-9498.

For building concerns: call (406) 444-3060