

LEGISLATIVE HALL FACILITY USE POLICY

§ 1. Purpose.

The purpose of the Legislative Hall Facility Use Policy (“Policy”) is to establish a procedure for the public’s use of the public areas of Legislative Hall under the control of Legislative Council for an event or exhibit and to ensure that use of Legislative Hall is conducted in a manner that protects the health, safety, and well-being of legislators, legislative staff, and the public.

§ 2. Definitions.

For the purposes of this Policy:

(1) “Demonstration” means activities for the purpose of showing support for or opposition to governmental policies or practices, or the lack of policies or practices; expressing a view in public; or bringing into public notice any issues or other matters. “Demonstration” includes activities that show opposition to a person or group that has received a permit for an event at Legislative Hall.

(2) “Display” includes a sign, banner, placard, board, poster, notice, advertisement, photograph, painting, sculpture, or other similar item.

(3) “Event” means a press conference, performance, ceremony, presentation, meeting, reception, demonstration, or other gathering of people for a common purpose or cause.

(4) “Exhibit” means a temporary attended or unattended display.

(5) “Law enforcement” means the Capitol Police or other personnel called to assist the Capitol Police in enforcing the laws of this State.

(6) “Legislative Hall” includes the interior of the building under the control of Legislative Council and the Legislative Hall grounds.

(7) “Legislative Hall grounds” means the exterior of the building and its grounds that are under the control of Legislative Council and contained within the boundaries of Legislative Avenue, Martin Luther King Jr. Blvd. South, and Martin Luther King Jr. Blvd. North.

(8) “Person” includes an individual and a corporation; business trust; estate trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or other legal or commercial entity.

(9) “Press conference” means the presentation of information for the media.

(10) “State of emergency” means as defined under § 3102 of Title 20.

§ 3. Permit required.

A person shall obtain a permit to hold an event or exhibit at Legislative Hall.

§ 4. Permit procedure.

(a) To obtain a permit, a person must complete and submit the Legislative Hall Application for Facility Use Permit (“Application”).

(b) The Application must be submitted to the following:

Administrative Office
Division of Research
411 Legislative Avenue
Dover, DE 19901
LC_reception@delaware.gov
(302) 744-4114

(c) The Director of the Division of Research, or the Director’s designee, (“Director”) shall determine if a permit is to be approved or denied based on this Policy.

§ 5. Permit application requirements; permit denial, limitation, or revocation; permit violations.

(a) An Application must be submitted 10 business days before the date the event or exhibit is scheduled.

(b) An Application must be legible and complete.

(c) If the Application is to hold an event, the Application must contain satisfactory evidence of a minimum of \$1,000,000 liability insurance coverage listing the State of Delaware as the certificate holder on the policy binder for the event.

(1) For purposes of this subsection, “satisfactory evidence” includes a copy of the policy binder.

(2) The Director may waive this subsection for an event the Director determines is to be held by a state officer, state employee, or state agency.

(d) The Director may deny or limit an application or revoke a granted application if one of the following applies:

(1) The requested event or exhibit would conflict with a previously approved Application or with planned programs organized by the General Assembly or a State agency or State official.

(2) The requested event or exhibit would interfere with the primary purpose of Legislative Hall.

(3) The Application is not fully completed and signed by a person who is legally competent to contract.

(4) The Application contains a material falsehood or misrepresentation.

(5) A person issued a permit under this Policy has violated the terms of prior permits, this Policy, or State or federal law other than this Policy.

(6) The requested event or exhibit involves activity that is prohibited by this Policy or State or federal law other than this Policy.

(7) The requested event or exhibit presents an unreasonable danger to the health, safety, or well-being of a legislator, legislative staff, or the public.

(e) If an event is held or an exhibit is displayed without a permit or in violation of a permit, the Director shall order the event or exhibit removed. Law enforcement shall assist the Director in enforcing the Director's orders under this subsection.

§ 6. Restrictions and requirements.

(a) An event or exhibit may not do any of the following:

- (1) Be vulgar, licentious, lewd, or obscene.
- (2) Impede free public access to and from Legislative Hall or within Legislative Hall or otherwise impede the response of law enforcement or other emergency personnel or vehicles required to render their services to Legislative Hall.
- (3) Create a risk of harm to a person or disrupt government operations.
- (4) Disturb the peace or interfere with the legislative session or regular state business conducted at Legislative Hall.
- (5) Be destructive of State property.

(b) A display may not be attached or affixed to a wall without a permit. A display can never be attached or affixed to a railing, monument, statue, or other fixture in Legislative Hall or on Legislative Hall grounds.

(c) An exhibit is not permitted inside Legislative Hall without a permit issued under this Policy.

(d) A display may not be carried or held so as to obstruct a person's view or to endanger the safety of a person.

(e) A person issued a permit under this Policy may not sell commercial products.

(f) A person issued a permit under this Policy may not use or possess alcoholic beverages.

(g) An event or exhibit must be of a quality and character suitable for viewing by an individual, including a child.

(h) A person permitted to hold an event or exhibit under this Policy shall clean-up the area provided for the event or exhibit immediately after the event or exhibit ends. The Division of Facilities Management will inspect the area to determine if it has been adequately cleaned. The Division of Facilities Management may charge a person for the person's failure to adequately clean.

(i) A person permitted to hold an event or exhibit under this Policy may not park a vehicle on the pavers on the East side of Legislative Hall or use a marked parking space at Legislative Hall without permission.

(j) A person permitted to hold an event under this Policy may place an event-related display in a location approved by the Director. A person permitted to hold an event under this Policy must remove all event-related displays immediately after the event ends.

§ 7. Locations where permitted demonstration allowed; locations and times permitted table exhibits allowed.

(a)(1) A permitted demonstration may only be held on the East side of the Legislative Hall property in one of the following locations, with all directions determined by standing at the exterior door facing the Delaware Continentals Monument:

- a. Section A. This is the area to the north of the Delaware Continentals Monument, to the dividing center barrier. See Attachment A.
- b. Section B. This is the area to the south of the Delaware Continentals Monument, to the dividing center barrier See Attachment A.

(2) To ensure safety of legislators, staff, and the public and to permit the General Assembly to perform its functions, a permitted demonstration may not be held in any of the following locations:

- a. Inside Legislative Hall.
- b. The exterior access steps or entry points of Legislative Hall, other than the East side steps of Legislative Hall.
- c. An area closed or restricted for official use.
- d. The roadways around Legislative Hall.
- d. The area marked “off limits” on Attachment A, which includes legislative parking spaces in the East parking lot and along North and South Martin Luther King, Jr. Blvd., Liberty Street, and the dividing center barrier area.

(3) A demonstration may not exceed 258 attendees in a Section when the attendees are standing or 120 in a Section when the attendees are seated in chairs.

(4) A permit for a demonstration must identify the area where the permitted demonstration is to be held and the number of expected attendees, not to exceed the limit imposed under paragraph (a)(3) of this section.

(b) While the General Assembly is in session, a table exhibit may only be held on a Wednesday from January through May.

- (1) A table exhibit is restricted to the second floor lobby area of Legislative Hall.
- (2) A table exhibit will be provided 1, 5 foot long table.
- (3) A table exhibit must be removed by 3:30 p.m.
- (4) A person that wishes to distribute food or drinks from a table exhibit must request approval through the Application. Only boxed lunches or individually packaged foods may be distributed.

§ 8. Notifications.

(a) If the Director approves the Application, the Director shall notify all of the following that the Application has been approved:

- (1) The person who submitted the Application.
- (2) Legislators and legislative staff.
- (3) The Capitol Police.
- (4) The Division of Facilities Management.

(b) If the Director denies the Application, the Director shall notify the person who submitted the Application that the Application has been denied.

§ 9. State of emergency authority.

The Director may condition the approval of a permit on the compliance by the person who submitted the Application with gathering limits or other restrictions ordered under a state of emergency or established by Legislative Council or the President Pro Tempore of the Senate and Speaker of the House of Representatives.

§ 10. Indemnification.

(a) A person granted a permit under this Policy assumes full responsibility for any damage to equipment, furnishings, building, or grounds beyond that which can be considered normal wear and tear.

(b) A person granted a permit under this Policy agrees to indemnify the State of Delaware and its officers, employees, and agents against all claims, actions, suits, demands, proceedings, and liabilities arising from any accident, injury, or damage to another person or to property that occurs at Legislative Hall and arises out of or occurs in connection with the use of Legislative Hall by the person or the person's agents, employees, or guests. For an event, the person must have provided insurance as required under § 5(c) of this Policy.

(c) An individual who applies for use of Legislative Hall represents that the individual has full legal authority to act on behalf of and bind a corporation; business trust; estate trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or other legal or commercial entity that is requesting the use of Legislative Hall.

Attachment A

