



State of New Jersey

DEPARTMENT OF TREASURY
DIVISION OF PROPERTY MANAGEMENT & CONSTRUCTION
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DIRECTOR

To: The State House Press
From: Richard Flodmand, Deputy Director
Division of Property Management and Construction
Date: January 10, 2008
Subject: Administrative Code
Proposed Re-adoption with Amendments:
N.J.A.C. 17:11-1.1 et seq. State Leasing and Space Utilization

- In response, reply to:
[] OFFICE OF THE DIRECTOR (609) 984-9701
[] PROPERTY MANAGEMENT DEPUTY DIRECTOR (609) 292-5111
[] LEASE DEVELOPMENT & COMPLIANCE P O Box 231 (609)984-6563
[] REAL PROPERTY MANAGEMENT P O Box 229 (609) 292-9694
[] BUILDING MANAGEMENT & OPERATIONS P O Box 038 (609) 777-3256
[] CONTRACT ADMINISTRATION DEPUTY DIRECTOR (609)984-3629
[] CONTRACTOR CLASSIFICATION P O Box 042 (609)943-3400
[] DESIGN & CONSTRUCTION DEPUTY DIRECTOR P O Box 235 (609) 943-3365

P.L. 2001, c. 5 (N.J.S.A. 52:14B-4) requires an agency to give notice of its intended action to the news media maintaining a press office to cover the State House Complex prior to the proposal, amendments or repeal of any rule.

The Division of Property Management and Construction is proposing rules for re-adoption with amendments (Proposed Rule No. PRN 2008-26) regarding improvements to the advertising, provisioning and management processes relevant to the State's space utilization plans and leasing processes as explicated in N.J.A.C. 17:11-1.1 et seq. The notice for re-adoption will be published in the January 22, 2008 edition of the New Jersey Register, 39 NJR 3(1). The public comment period for these proposals will be extended to sixty (60) days in order to qualify the notice for an exception to the rulemaking calendar requirements set forth in N.J.S.A. 52:14B-3 and N.J.A.C. 1:30-3.3(a)5. Written comments on the proposed re-adoption with amendments may be submitted by March 22, 2008 to:

Richard Flodmand, Deputy Director
Division of Property Management and Construction
33 West State Street
P.O. Box 034
Trenton, New Jersey 08625-0034
Via Facsimile: (609)984-8495
Via Email: Richard.Flodmand@treas.state.nj.us

The Office of the State Treasurer and the Division of Property Management and Construction have reviewed the rules with amendments and have determined them to be necessary, reasonable and proper for the purposes for which they were originally promulgated, pursuant to P.L. 1992, c. 130.

The proposed amendments serve to define and update the Division's advertising process as it relates to the leasing of new space as well as explain the role of the State Leasing and Space Utilization Committee in the approval of State agency Space Planning Requests. The overarching basis of these proposed regulations is to maximize State agency use of existing State-owned and leased space to maintain cost effectiveness and reduce the State's overall leasing obligations while balancing the programmatic interests of State agencies.

A complete copy of the notice can be found in the New Jersey Register, 39 NJR 3(1) and the full text of the current rules may be found in the New Jersey Administrative Code at N.J.A.C. 17:11-1.1 et seq., available in the reference section of most local libraries and through Rutgers-Newark Law School's website <http://law-library.rutgers.edu/ilg/njlaw.php>. A complete copy of the proposed readoption with amendments notice can also be found on the Treasury website <http://www.state.nj.us/treasury> or obtained by contacting Richard Flodmand of the Division of Property Management and Construction at (609)984-3629.

DEPARTMENT OF THE TREASURY

Use of State Buildings and Grounds

Proposed New Rules: N.J.A.C. 17:15A

Authorized By: Michellene Davis, Acting State Treasurer

Authority: N.J.S.A. 52:20-7; N.J.S.A. 52:27B-64

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2008-

The agency proposal follows:

Summary

The Department of the Treasury (“Department”) proposes to adopt new rules with regard to the use of State buildings and grounds to replace the previous rules N.J.A.C. 17:15A, Use of State Buildings and Grounds, which was adopted as R. 1972 d. 183, effective September 21, 1972 and expired on July 1, 2006. The Department has determined that rules regarding the use of State buildings and grounds continue to be necessary, reasonable and proper for the purpose that they were originally promulgated. The proposed rules have been reviewed by the State Governmental Security Bureau who have primary enforcement responsibilities under the proposed rules. The following list summarizes the proposed new rules.

N.J.A.C. 17:15A-1.1 defines “State-regulated buildings and grounds” as all buildings, grounds and other areas owned, leased, rented, controlled, used or occupied by the State of New Jersey which are subject to the jurisdiction and control of the Division of Property Management and Construction in the Department of the Treasury.

N.J.A.C. 17:15A-1.2 states that every person shall be allowed to distribute any written or printed materials, demonstrate, picket, make a speech, hold a vigil or other ceremony in any area of a State-regulated building which is open to the general public, subject to the following regulations.

N.J.A.C. 17:15A-1.3 provides that any group of ten or more persons intending to gather within State-regulated buildings and grounds for the purpose of demonstrating, picketing, marching making speeches or ceremonies shall, at least 72 hours prior to the intended gathering, apply for a permit from the State Governmental Security Bureau.

N.J.A.C. 17:15A-1.4 provides that the State Governmental Security Bureau shall issue such a permit for gathering not less than 24 hours prior to the time of the intended gathering unless it finds that the intended activity will unreasonably interfere with the movement of persons within State-regulated buildings and grounds, or the use of State-regulated buildings and grounds or endanger the health and safety of either the applicants for the permit or other persons.

N.J.A.C. 17:15A-1.5 provides that any person intending to use sound amplification equipment within State-regulated buildings and grounds shall, at least 72 hours prior to the intended use of such equipment, apply for a permit from the State Governmental Security Bureau.

N.J.A.C. 17:15A-1.6 provides that the State Governmental Security Bureau shall issue such a permit not less than 24 hours prior to the time of intended use of such equipment unless it finds that the use of such equipment will unreasonably interfere with the use of State-regulated buildings and grounds.

N.J.A.C. 17:15A-1.7 provides that the issuance of such permits by the State Governmental Security Bureau may require the applicant to meet contingencies the Bureau may deem necessary for the safety of the applicants and/or other persons.

N.J.A.C. 17:15A-1.9 provides that no person shall enter or remain in a State-regulated building after business hours, except State employees or persons having authorized business in such a building.

N.J.A.C. 17:15A-1.10 provides that no person shall engage in disorderly or disruptive activity within State-regulated buildings and grounds.

N.J.A.C. 17:15A-1.11 provides that no person shall obstruct the use of areas within State-regulated buildings and grounds, or in any way impede or disturb State employees in the performance of their duties within State-regulated buildings and grounds, or in any way impede or disturb the general public within State-regulated buildings and grounds.

N.J.A.C. 17:15A-1.12 provides that no person shall deface, destroy or cause damage to State property or any State equipment or traffic and pedestrian and crowd control device within State-regulated buildings and grounds.

N.J.A.C. 17:15A-1.13 provides that no person shall carry any type of sign, poster, banner, placard or the like within any State-regulated building and states the restrictions on signs, posters, banners or placards to be used in demonstrations outside State-regulated buildings.

N.J.A.C. 17:15A-1.15 states that nothing in these regulations shall be construed to limit the authority of the Senate or General Assembly to control their own proceedings.

N.J.A.C. 17:15A-1.16 states that nothing in these regulations shall be construed to limit the authority of the State Governmental Security Bureau to ensure the safety of building occupants in time of emergency.

N.J.A.C. 17:15A-1.17 provides that anyone who fails to comply with the regulations shall be subject to ejection from the State-regulated buildings and grounds and/or criminal prosecution under applicable State statutes and municipal ordinances.

Because the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)(5).

Social Impact

The proposed rules will have a beneficial social impact on the citizens of New Jersey as well as all persons visiting or making use of State-regulated buildings and grounds by providing for the safe and orderly exercise by the people of the U.S. and New Jersey Constitutional rights to freedom of speech and peaceful assembly. The proposed rules allow any person to distribute written or printed materials, demonstrate, picket, make a speech, hold a vigil or other ceremony in any area of State-regulated buildings and grounds which is open to the general public, subject to requirements that ensure the health and safety of the participants, the general public and the State employees who work in these buildings. The proposed rules also ensure that the general public and the State employees will not be obstructed, impeded or disturbed in the performance of their duties within State-regulated buildings and grounds.

Economic Impact

The State Governmental Security Bureau in the Department of Law and Public Safety is the actual agency charged with enforcing these regulations in the past. Budgetarily, there would be no impact as they have continued to carry out their responsibilities even after the expiration of the previous rules. The positive economic impact of the proposed rules would be one of cost avoidance. To the extent that the business of State government is not disrupted or State property not destroyed or damaged as the result of the use of State-regulated buildings and grounds, additional costs to the New Jersey taxpayers are avoided.

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules are not subject to any Federal requirements or standards. The proposed new rules are essentially the same as the previous rules that were in place from 1972 to 2006.

Jobs Impact

The Department does not believe that the proposed new rules will increase or decrease jobs in the State.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required since the proposed new rules impose no reporting, recordkeeping or other compliance requirements on small businesses.

Smart Growth Impact

The proposed new rules will not affect the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows:

17:15A-1.1 Scope

“State regulated buildings and grounds” shall include all buildings, grounds, sidewalks, plazas, open areas and streets owned, leased, rented, controlled, used or occupied by the State of New Jersey which are subject to the jurisdiction and control of the Division of Property Management and Construction in the Department of the Treasury.

17:15A-1.2 General public areas

Every person shall be allowed to distribute any written or printed materials, demonstrate, picket, make a speech, hold a vigil or other ceremony in any area of a State-regulated building which is open to the general public, subject to the following regulations.

17:15A-1.3 Permits; application to gather

Any group of ten or more persons intending to gather within State-regulated buildings and grounds for the purpose of demonstrating, picketing, marching, making speeches, holding vigils or ceremonies shall, at least 72 hours prior to the intended gathering, apply for a permit from the State Governmental Security Bureau, Room V-3, State House, West State Street, Trenton.

17:15A-1.4 Issuance of permits for gathering

- (a) The State Governmental Security Bureau shall issue such a permit not later than 24 hours prior to the time of the intended gathering unless it finds the intended activity will:**

- 1. Unreasonably interfere with the movement of traffic or persons within State-regulated buildings and grounds, or**
- 2. Unreasonably interfere with the use of State-regulated buildings and grounds, or**
- 3. Endanger the health and safety of either the applicants for the permit or any other persons.**

17:15A-1.5 Permit for use of sound amplification equipment

Any person intending to use any sound amplification equipment within State-regulated buildings and grounds shall, at least 72 hours prior to the intended use of such equipment, apply for a permit from the State Governmental Security Bureau, Room V-3, State House, West State Street, Trenton.

17:15A-1.6 Issuance of permits for use of sound amplification equipment

The State Governmental Security Bureau shall issue such a permit no later than 24 hours prior to the time of the intended use of such equipment unless it finds that the use will unreasonably interfere with the use of State-regulated buildings and grounds.

17:15A-1.7 Application contingencies

- (a) The State Governmental Security Bureau may issue permits in accordance with Sections 4 and 6 above, contingent upon the applicants providing their own marshals and/or remaining in certain areas, and/or not exceeding**

maximum occupancy levels of State-regulated buildings or parts thereof, and/or any other provision the Bureau may deem necessary for the safety of the applicants and/or other persons.

(b) Marshals shall be required to organize clean-up crews for removal of litter both during and after demonstrations.

17:15A-1.8 (Reserved)

17:15A-1.9 Remaining in buildings after business hours

No person, except State employees or persons having authorized business in such building, shall enter or remain in any State-regulated building for any purpose outside of the hours fixed for the normal business day.

17:15A-1.10 Disorderly or disruptive conduct

No person shall utter threatening or abusive language, or engage in any other disorderly or disruptive activity within any State-regulated buildings and grounds.

17:15A-1.11 Obstructing the use of areas

No person shall obstruct the use of entrances, exits foyers, lobbies, corridors, offices, elevators, stairways, sidewalks, streets and parking lots within State-

regulated buildings and grounds, or in any way impede or disturb State employees in the performance of their duties within State-regulated buildings and grounds, or in any way impede or disturb the general public within State-regulated buildings and grounds.

17:15A-1.12 Damage to property

No person shall deface, destroy, or cause damage to any building, furniture, fixture, accessory, tree, shrubbery, fountain or any State equipment or traffic and pedestrian and crowd-control device within State-regulated buildings and grounds.

17:15A-1.13 Signs and related items

- (a) No person shall carry any type of sign, poster, banner, placard, or the like, within in any State-regulated building.**
- (b) Such signs, posters, banners or placards intended for use in demonstrations outside State-regulated buildings shall be made solely of paper and/or cardboard and attached to the person and not supported by or framed by wood, metal or any other material of a firm nature.**
- (c) They shall not in any way be affixed to the premises or self-supporting, or leaned against any wall or partition.**
- (d) Nothing in these rules and regulations shall, however, prohibit the wearing of buttons and badges upon the clothing of any person.**

17:15A-1.14 Senate or General Assembly proceedings

Nothing in these regulations shall be construed to limit the authority of either the Senate or the General Assembly to control their own proceedings.

17:15A-1.15 Emergencies

Nothing in these regulations shall be construed to limit the authority of the State Governmental Security Bureau to take necessary action to ensure the safety of building occupants in time of emergency.

17:15A-1.16 Penalties

Anyone failing to comply with these regulations shall be subject to ejection from State-regulated buildings and grounds and/or prosecution for trespass under N.J.S.A. 2A:170-31 and/or other criminal proceedings under the applicable State statutes and municipal ordinances.