

# **ACTION ITEM #1**

## **Amendments to WAC 504-36-030 – Spectator Events (Sharyl Kammerzell)**

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Permanent and emergency amendments to WAC 504-36-030 – Spectator Events

**PROPOSED:** That the Board of Regents adopt proposed amendments to WAC 504-36-030

**SUBMITTED BY:** Sharyl Kammerzell, Director of Legal Affairs

**SUPPORTING INFORMATION:** The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code.

WAC 504-36-030 concerns rules related to spectator events. The proposed amendments represent both an emergency rule and permanent rule. The emergency rule is effective for no more than 120 days and will be replaced by the identical permanent rule thereafter.

The amendments will allow the University to regulate and control the service and consumption of alcohol at public events. Alcoholic beverages would only be available at event sites when served under a valid permit or license issued by the Washington State Liquor Control Board. For all event sites, the service or consumption of alcohol will be limited to specific rooms or areas, and such rooms or areas will have restricted attendance. Under these rules, alcohol would be available in restricted areas of Martin Stadium, such as suite, loge, and club seating.

An emergency rule is necessary here to insure that the service and consumption of alcoholic beverages at public events are fully regulated prior to the beginning of spectator events in the remodeled Martin Stadium. Such regulation will protect and promote public health and safety and preserve the general welfare for all event attendees and the community at large. After the emergency rule lapses, it will be replaced by the permanent rule in the identical form as the emergency rule.

Notice of the proposed amendments was published in the Washington State Register on April 18, and a public hearing on these amendments was held in early July. No comments were submitted from the public on the proposed amendments.

ATTACHMENT: WAC 504-36-030, with amendments

AMENDATORY SECTION (Amending WSR 97-20-019, filed 9/19/97, effective 9/19/97)

**WAC 504-36-030 Spectator events--Safety rules.** (1)

Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on the campus is a primary concern of Washington State University.

(2) The following rules of conduct are applicable to all public events of Washington State University, including specifically, but not limited to, Martin Stadium and the ~~((Performing Arts))~~ Beasley Coliseum and to all public areas of the facility wherein the event is held (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or safety hazard for other spectators or participants is prohibited.

(b) Possession and/or consumption of ~~((alcoholic beverages or))~~ illegal drugs is prohibited; possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any ~~((such materials))~~ illegal drugs or alcoholic beverages, except for such beverages provided in accordance with (b)(ii) of this subsection, found shall be delivered to the custody of designated university officials or their representatives upon request. In addition, violators of this ~~((rule))~~ section may be subject to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.

(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor control board. Events at which alcoholic beverages are possessed, sold, served, and consumed must comply with the restrictions imposed by the Washington state liquor control board, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.

(c) Except as provided in (b) of this subsection, possession of glass or metal beverage containers, or devices used for carrying such beverage containers, is prohibited~~((:— Provided, That))~~; however, this ~~((rule))~~ section shall not apply to personal canteens or thermos bottles one liter or less in size, containing beverages not in violation of this ~~((rule))~~ section, and provided further, that this ~~((rule))~~ section shall not apply to small soft-sided articles used to carry such permitted containers, as more fully described in ~~((subpart))~~ (d) of this ~~((rule below))~~ subsection. All such items shall be subject to a visual inspection upon entry to the event site. Any containers or devices prohibited by this ~~((rule))~~ section shall be removed by the possessor or delivered to the custody of designated university officials or their

representatives upon request. This (~~(rule)~~) section shall not apply to approved vendors.

(d) Knapsacks, duffel bags, backpacks, bags used to transport permitted beverage containers or other soft sided bags shall be small enough to fit completely under one seat, and shall be so kept at all times to maintain clear aisles, walkways and stairs. All such items are subject to a visual inspection upon entry into the event site. No hard sided bags, suitcases, coolers or other similar items shall be permitted into the event site.

(e) Aisles, walkways and stairs shall be kept clear of hazards and obstacles (including but not limited to those items discussed in (~~(subparts)~~) (c) and (d) of this (~~(rule)~~) subsection) at all times, to ensure safe and easy passage for persons attending the event, university and security officials, and others at the event site.

(f) Possession of any fireworks, weapons, explosive devices or artificial noisemaking devices (such as airhorns) is prohibited in the event site. Any such items shall be surrendered to designated university officials upon request. In addition, possession of such items may subject violators of this (~~(rule)~~) section to university disciplinary action (if applicable) and/or legal proceedings, and to removal from the event site.

(g) Smoking is prohibited in areas designated as "no smoking."

(h) An individual is entitled to occupy only the seat for which he or she has the proper ticket.

(i) (~~(Video taping equipment)~~) Recording video of the event for commercial purposes is not permitted into the event site without written permission from the WSU athletic department.

(j) Umbrellas may not be opened or raised in seating areas of any event site, in order to ensure that all persons attending the event have as clear and unobstructed a view of the event as possible. Personal sized umbrellas may be brought into the event site and stored as described in (~~(subparts)~~) (d) and (e) of this (~~(rule)~~) subsection.

(3) Where there is reasonable cause to believe that persons are, or are attempting to, violate the requirements identified in WAC 504-36-030(2), such person or persons will be denied license or privilege to enter or remain in or upon the premises, and designated officials may take necessary action to deny entry or to remove such persons from the premises.

Failure to vacate the premises upon request of designated university officials may result in subsequent legal process under the laws of the state of Washington.

(4) For purposes of WAC 504-36-030 (1) and (2) designated officials include the president of the university, the vice president for business (~~(affairs)~~) and finance, and the following officials:

(a) Director of athletics or designee for athletic events;

(b) Director of the coliseum or designee for coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music (~~(and Theatre Arts)~~) or designee for events sponsored by that school;

(e) The WSU executive director of public safety or designee;  
(f) Officers of the WSU police department when (1) acting at the request of any of the above-named officials to enforce university regulations, or (2) enforcing state laws or local ordinances.