

LEGISLATIVE BILL 439

Approved by the Governor April 15, 2004

Introduced by Hudkins, 21

AN ACT relating to state property; to amend sections 81-188.01, 81-188.02, 81-1107, 81-1108.17, 81-1108.18, 81-1108.20, 81-1108.22, 81-1108.23, 81-1108.31, 81-1108.32, 81-1108.38, 81-1108.50 to 81-1108.53, and 81-2004, Reissue Revised Statutes of Nebraska, and section 81-1108.15, Revised Statutes Supplement, 2002; to adopt the Nebraska State Capitol Preservation and Restoration Act; to create the Office of the Nebraska Capitol Commission and the position of State Capitol Administrator; to provide, change, and transfer powers and duties; to create a fund; to change the membership of the Nebraska Capitol Commission; to transfer responsibility for security for certain state buildings and grounds to the Nebraska State Patrol; to harmonize provisions; to repeal the original sections; to outright repeal section 81-1108.21, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 14 of this act shall be known and may be cited as the Nebraska State Capitol Preservation and Restoration Act.

Sec. 2. (1) In 1919, the Nebraska State Capitol Commission began the search for an architect to design a new State Capitol to replace the existing structure in Lincoln. New York architect Bertram Grosvenor Goodhue was selected as the chief architect, and construction began in April 1922. During the ten-year construction period, the Nebraska State Capitol Commission, comprised at that time of the Governor, the State Engineer, and three appointed members, oversaw the building's construction, with the final phase completed in 1932. The final cost of construction was nine million eight hundred thousand dollars.

(2) Considered one of the world's greatest architectural achievements, the Nebraska State Capitol contains all three branches of government and is an inspiring monument for all Nebraskans. No other building in the State of Nebraska is as recognized and open to all Nebraskans as the State Capitol.

(3) Because of the history and unique beauty of the State Capitol, it is the intent of the Legislature that the Office of the Nebraska Capitol Commission, created pursuant to the Nebraska State Capitol Preservation and Restoration Act, provide the highest quality preservation, restoration, and enhancement of and long-term planning for the State Capitol and capitol grounds for the perpetual use by state government and the enjoyment of all persons.

Sec. 3. For purposes of the Nebraska State Capitol Preservation and Restoration Act:

(1) Administrator means the State Capitol Administrator;

(2) Commission means the Nebraska Capitol Commission; and

(3) Office means the Office of the Nebraska Capitol Commission.

Sec. 4. The Nebraska Capitol Commission shall be the custodian of the State Capitol and capitol grounds. To aid in these duties, the Office of the Nebraska Capitol Commission is established under the Nebraska Capitol Commission. The State Capitol Administrator shall be the head of the office and shall be recommended by the commission and appointed by the Governor. The compensation of the administrator shall be established by the Governor, subject to availability of appropriations. For administrative and budgetary purposes, the office shall be housed within the Department of Administrative Services, which department shall provide all of the accounting, personnel, information management, and communication support services for the office. The office and all staff shall be physically located in the State Capitol. All administration and budgetary decisions for the office shall be made by the administrator.

Sec. 5. (1) The administrator shall have the authority to develop, produce, and distribute books, brochures, pictures, slides, postcards, and other informational or promotional material concerning the State Capitol. The administrator shall have control over money received from the distribution of such material and from private or public donations. Such proceeds and donations shall be remitted to the State Treasurer for credit to the Capitol Restoration Cash Fund.

(2) The administrator, after receiving advice from the commission,

is authorized to provide facilities for restaurants, cafeterias, or other services and newsstands for convenience of state officers and employees in the State Capitol when such space is not needed for public use. Proceeds from the operations and rental of such facilities shall be remitted to the State Treasurer for credit to the Capitol Restoration Cash Fund.

(3) The administrator, after receiving advice from the commission, is authorized to lease, rent, or permit for use as apartments, dwellings, or offices any or all of the property acquired for future building needs for the State Capitol and capitol grounds, except that all leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy thereof shall cease. All money received as rent from such property shall be remitted to the State Treasurer for credit to the Capitol Restoration Cash Fund and, with interest accrued, be designated as prescribed in section 11 of this act.

(4) The administrator shall see that all parts and apartments of the State Capitol and capitol grounds are properly ventilated and kept clean and orderly.

(5) The administrator shall acquire a flag of the United States of America of suitable and convenient size. The colors of the flag shall be fast colors, and the cloth shall be of substantial material. The administrator shall display this flag and the Nebraska State Flag of similar specifications prominently on State Capitol grounds.

(6) The administrator shall ensure that, at proper hours, all visitors are properly escorted through the State Capitol and over the capitol grounds, free of expense.

(7) The administrator shall at all times have charge of and supervision over janitors and other employees in and about the State Capitol and capitol grounds.

(8) The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the State Capitol or on the capitol grounds or for committing or threatening to commit a nuisance therein or thereon.

(9) The administrator shall keep in his or her office a complete record containing plans, specifications, and surveys of the State Capitol and capitol grounds and of underground construction thereto.

Sec. 6. The administrator shall have (1) a bachelor's degree or higher degree in architecture from an accredited college or university and (2) at least five years of administrative experience in historic preservation and planning, design, and construction of major construction projects.

Sec. 7. Before entering upon the discharge of the duties of his or her office, the administrator shall be bonded or insured as required by section 11-201. The premium shall be paid by the state.

Sec. 8. The State Building Administrator shall transfer all Capitol Group staff, offices, records, including Nebraska Capitol Collections, powers, duties, and responsibilities of the state building division on or before July 1, 2004, to the State Capitol Administrator, who shall be reestablished in the Office of the Nebraska Capitol Commission.

Sec. 9. The administrator, with the advice of the commission, shall employ all assistants, architects, engineers, janitors, custodians, and caretakers necessary for the efficient and economical discharge of the duties imposed by the Nebraska State Capitol Preservation and Restoration Act. All such employees, except for the administrator, shall be included within the State Personnel System. The administrator shall purchase, through the materiel division of the Department of Administrative Services, such supplies, material, and equipment as may be necessary for the proper maintenance of the State Capitol and capitol grounds. The total expenditures for such purposes shall not exceed the appropriations made therefor.

Sec. 10. (1) The office shall have the primary functions and responsibilities of facilities planning, facilities construction, and facilities administration for the State Capitol and capitol grounds and may adopt and promulgate rules and regulations to carry out the provisions of this section and subsection (1) of section 81-1108.38.

(2) Facilities planning includes the following responsibilities and duties:

(a) To maintain utilization records of the State Capitol and capitol grounds;

(b) To define and review program statements based on space utilization standards;

(c) To prepare and review planning and construction documents;

(d) To develop and maintain time-cost schedules for capital construction projects;

(e) To prepare annually a long-range plan for the commission, listing the maintenance needed for the interior and exterior of the State Capitol; and

(f) To assist the commission, the budget division of the Department of Administrative Services, and the Legislative Fiscal Analyst in preparing budget recommendations.

(3) Facilities construction includes the following powers and duties:

(a) To maintain close contact with and inspections of each project for the State Capitol and capitol grounds so as to assure execution of the highest quality work product, time-cost schedules, and efficient contract performance;

(b) To perform final acceptance inspections and evaluations; and

(c) To coordinate all modifications or change orders and progress payment orders.

(4) Facilities administration includes the following powers and duties:

(a) To provide or assure adequate administration and preservation maintenance of, repairs to, and custodial duties for the State Capitol and capitol grounds;

(b) To be responsible for all maintenance, repairs, and custodial duties necessary to preserve properly and maintain the State Capitol and capitol grounds;

(c) To report to the commission quarterly, or as prescribed by the commission, the time-cost data on State Capitol construction projects;

(d) To be responsible for parking on the capitol grounds; and

(e) To submit to the commission a final report on each State Capitol project. The report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications, and a conclusion as to whether the construction complied with the related approved project purpose and program statement. Such report shall be required on all projects costing fifty thousand dollars or more and any other projects designated by the commission.

Sec. 11. The Capitol Restoration Cash Fund is created. The administrator shall administer the fund, which shall consist of money received from the sale of material, rental revenue, private donations, and public donations. The fund shall be used to finance projects to restore the State Capitol and capitol grounds to their original condition, to purchase and conserve items to be added to the Nebraska Capitol Collections housed in the State Capitol, and to produce promotional material concerning the State Capitol, its grounds, and the Nebraska State Capitol Environs District. Such expenditures shall be prescribed by the administrator and approved by the commission. Any money in the Capitol Restoration Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 12. To promote the public safety and welfare, the State Building Administrator, in consultation with the State Capitol Administrator, shall adopt and promulgate rules and regulations governing motor vehicle parking on the approaches to the State Capitol. Such rules and regulations may limit, restrict, or prohibit parking thereon. Notwithstanding the provisions of the Administrative Procedure Act, such rules and regulations shall become effective upon posting notice of the same on or about the premises to be regulated. If any vehicle is found upon any regulated premises in violation of this section, or the rules and regulations adopted pursuant thereto, and the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held responsible for such violation.

Sec. 13. (1) The office space in the State Capitol or any other state office building occupied by the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts, or Chief Justice and judges of the Supreme Court and Court of Appeals, including the office of the Clerk of the Supreme Court and courtrooms, shall remain under the control of such constitutional officer or Chief Justice. The Executive Board of the Legislative Council shall determine its office space requirements in the State Capitol and may occupy such office space as it requires except as provided in this subsection.

(2) After the determination by the Executive Board of the Legislative Council pursuant to subsection (1) of this section, the administrator, with the advice of the commission, shall determine the space needs of all other departments and agencies of the state located in the State Capitol and assign the remaining office space. The determination of such needs shall be based on the following considerations: (a) The availability of space within the State Capitol as provided in this section; (b) the

desirability of locating all divisions and other organizational subunits of each department and agency of the state in physical proximity to the office of its head; (c) the degree to which the convenience of the public may be served by assignment of various areas within the State Capitol; (d) the interdependence of functions and operating procedures of the various agencies; (e) applicable standards governing office requirements; and (f) the availability of appropriations with which to finance renovations, remodeling, and movement of equipment necessary to accommodate any proposed assignment or reassignment of area.

(3) The office shall have responsibility for provision and replacement of lighting, lighting fixtures, heating, cooling and ventilation, and janitorial, custodial, and all other building services, including care and custody of the State Capitol and capitol grounds, as may now be provided by law.

(4) Responsibility for employment and supervision of custodial workers for areas of the State Capitol occupied by the Legislature, the courts, and executive departments and agencies shall be in accordance with such agreements as may be defined by authorized representatives of the three branches. All funds for improvements, remodeling, renovation, partitioning, or replacement of major fixtures, including carpeting, flooring, provision of drapes, lighting fixtures, and lamps, within any area of the State Capitol shall be at the disposal of the administrator.

Sec. 14. The administrator, with the advice of the commission, shall establish policies and guidelines for the implementation of the approved Capitol Landscape Restoration Master Plan on and around the capitol grounds, for site development in and around the State Capitol and capitol grounds, and for use of the State Capitol's preservation and adaptive-use spaces, including the adoption of a document of standards.

Sec. 15. Section 81-188.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-188.01. (1) The State Building Renewal Assessment Fund is created. The fund shall be under the control of the Governor for allocation to building renewal projects of the various agencies and shall be administered in a manner consistent with the administration of the Building Renewal Allocation Fund pursuant to the Deferred Building Renewal Act. No amounts accruing to the State Building Renewal Assessment Fund shall be expended in any manner for purposes other than as provided in this section or as appropriated by the Legislature to meet the cost of administering the act.

(2) Revenue credited to the fund shall include amounts derived from charges assessed pursuant to subdivision ~~(6)-(b)~~ (4)(b) of section 81-1108.17, depreciation charges remitted pursuant to section 81-188.02, and such other revenue as may be incident to the administration of the fund.

(3) Amounts appropriated from the fund shall be expended to conduct renewal work as defined in section 81-173 and to complete other improvements incident to such renewal work as deemed necessary or appropriate by the task force. From amounts accruing to the fund as the result of depreciation charges assessed pursuant to subdivision ~~(6)-(b)~~ (4)(b) of section 81-1108.17, expenditures for capital improvements shall be limited to improvements to only those facilities for which such charges have been assessed and remitted. From amounts accruing to the fund as the result of depreciation charges assessed pursuant to section 81-188.02, expenditures for capital improvement projects shall be limited to exclude (a) capital improvement projects relating to facilities, structures, or buildings owned, leased, or operated by the (i) University of Nebraska, (ii) Nebraska state colleges, (iii) Department of Aeronautics, (iv) Department of Roads, (v) Game and Parks Commission, or (vi) Board of Educational Lands and Funds and (b) capital improvement projects relating to facilities, structures, or buildings for which depreciation charges are assessed pursuant to subdivision ~~(6)-(b)~~ (4)(b) of section 81-1108.17. For each fiscal year, task force allocations from amounts accruing to the fund pursuant to section 81-188.02 shall not exceed the total of such revenue credited to the fund in the preceding fiscal year, except that if no revenue from depreciation charge assessments was credited to the fund in the preceding fiscal year, allocations shall not exceed fifty percent of revenue credited to the fund in the last preceding fiscal year in which depreciation charge assessments were credited to the fund.

(4) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) The State Treasurer shall transfer one million nine hundred forty-seven thousand one hundred dollars from the State Building Renewal Assessment Fund to the Nebraska Capital Construction Fund within five days after January 1, 2003.

(6) The State Treasurer shall transfer one million nine hundred forty-seven thousand one hundred dollars from the State Building Renewal Assessment Fund to the Nebraska Capital Construction Fund within five days after May 1, 2003.

Sec. 16. Section 81-188.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-188.02. (1) For purposes of this section, capital improvement project means (a) construction of a new facility, structure, or building, (b) construction of additions to an existing facility, structure, or building, (c) renovation of an existing facility, structure, or building if the total project cost of such renovation represents not less than fifteen percent of the value of the existing facility, structure, or building as determined by the Department of Administrative Services, (d) purchase of an existing facility, structure, or building, and (e) acquisition of a facility, structure, or building through means of conveyance other than sale and purchase.

(2) Beginning with the fiscal year that commences subsequent to the calendar year in which has occurred substantial completion of a capital improvement project as defined in subdivisions (1)(a) through (1)(c) of this section or acquisition of a capital improvement project as defined in subdivisions (1)(d) and (1)(e) of this section, the department shall assess a capital improvement depreciation charge to the agency maintaining ownership or control of the related facility, structure, or building and shall assess such charge for each fiscal year thereafter, except that no depreciation charges shall be assessed or paid pursuant to this section for the period beginning July 1, 2003, and ending June 30, 2004, and depreciation charges in the amount of one-half of the amount otherwise assessed pursuant to this section shall be assessed and paid for the period beginning July 1, 2004, and ending June 30, 2005.

(3) The annual depreciation charge for a capital improvement project as defined in subdivisions (1)(a) through (1)(c) of this section shall be computed as two percent of the total project cost of the capital improvement project. The annual depreciation charge for a capital improvement project as defined in subdivision (1)(d) of this section shall be computed as two percent of the greater of the purchase price or the value, as determined by the department, of the capital improvement project at the time of acquisition. The annual depreciation charge for a capital improvement project as defined in subdivision (1)(e) of this section shall be computed as two percent of the value, as determined by the department, of the capital improvement project at the time of acquisition. The department may assess the charge annually or in monthly, quarterly, or semiannual installments.

(4) Depreciation charges shall not be assessed pursuant to this section for capital improvement projects relating to facilities, structures, or buildings owned, leased, or operated by the: (i) University of Nebraska; (ii) Nebraska state colleges; (iii) Department of Aeronautics; (iv) Department of Roads; (v) Game and Parks Commission; or (vi) Board of Educational Lands and Funds or to other buildings or grounds owned, leased, or operated by the State of Nebraska which are specifically exempted by the Department of Administrative Services because the assessment of such depreciation charges would result in the ineligibility for federal funding or would result in hardship on an agency, board, or commission due to other exceptional or unusual circumstances. Depreciation charges shall not be assessed pursuant to this section for capital improvement projects relating to facilities, structures, or buildings of which the department is custodian pursuant to section 81-1108.17 and for which charges are assessed pursuant to subdivision ~~(6)(b)~~ (4)(b) of such section.

(5) Payment of depreciation charges assessed pursuant to this section shall be remitted to the State Treasurer for credit to the State Building Renewal Assessment Fund.

Sec. 17. Section 81-1107, Reissue Revised Statutes of Nebraska, is amended to read:

81-1107. The Director of Administrative Services is hereby vested with the duties, powers, and responsibilities involved in:

(1) The preparation of the executive budget and execution of the approved budget except as otherwise provided by law, including a system of periodic allotments for the management and regulation of expenditures and making surveys and studies for the purpose of improving administrative procedures, methods, and organization;

(2) The keeping of general accounts and the adoption and promulgation of appropriate rules, regulations, and administrative orders designed to assure a uniform and effective system of accounts and accounting, the approval of all vouchers, and the preparation and issuance of warrants for

all purposes;

(3) The review and approval of financing agreements for the purposes of protecting the credit of the state, insuring the most advantageous terms, providing for proper accounting of financial transactions, complying with the approved budget, and promoting sound financial management.

Financing agreements related to real property acquisitions and capital construction projects within the Nebraska State Capitol Environs District, other than the State Capitol and capitol grounds, may be financed, if determined appropriate by the director, subject to legislative appropriation. Real property acquisitions or capital construction projects within the Nebraska State Capitol Environs District, other than the State Capitol and capitol grounds, shall not proceed without legislative appropriation and shall require the approval of both the Governor and the Executive Board of the Legislative Council.

Financing agreements related to real property acquisition and capital construction (a) for the State Capitol and capitol grounds or (b) outside the Nebraska State Capitol Environs District, shall not be financed without the express approval of the Legislature, and such legislative authorization shall include the maximum financing period for any project to be financed. The approval of such projects shall be through the capital construction budget process and shall be subject to legislative appropriation;

(4) The operation of such storerooms and warehouses as may be necessary;

(5) The allotment of space in ~~the State Capitol building and other state office buildings, other than the State Capitol~~, to the various departments and agencies according to their needs and the space available; ~~except as provided in section 81-1108.21~~;

(6) The supervision of telephone, mailing, messenger, duplicating, data processing, and other like services adaptable to economical and centralized management;

(7) The planning, review, and preparation of a state capital construction budget;

(8) The development, maintenance, and operation of a statewide intergovernmental data services system; and

(9) The provision of assistance as requested by the Nebraska Information Technology Commission.

The director shall adopt a seal. The director may contract with another state agency to furnish centralized mailing, messenger, duplicating, and printing services in the interest of economy and efficiency in government while retaining ultimate direction and control.

Sec. 18. Section 81-1108.15, Revised Statutes Supplement, 2002, is amended to read:

81-1108.15. (1) ~~The~~ Except as provided in the Nebraska State Capitol Preservation and Restoration Act, the division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities administration and shall adopt and promulgate rules and regulations to carry out this section.

(2) Facilities planning shall include the following responsibilities and duties:

(a) To maintain utilization records of all state-owned, state-occupied, and vacant facilities;

(b) To coordinate comprehensive capital facilities planning;

(c) To define and review program statements based on space utilization standards;

(d) To prepare or review planning and construction documents;

(e) To develop and maintain time-cost schedules for capital construction projects;

(f) To assist the Governor and the Legislative Fiscal Analyst in the preparation of the capital construction budget recommendations;

(g) To maintain a complete inventory of all state-owned, state-occupied, and vacant sites and structures and to review the proposals for naming such sites and structures;

(h) To determine space needs of all state agencies and establish space-allocation standards; and

(i) To cause a state comprehensive capital facilities plan to be developed.

(3) Facilities construction shall include the following powers and duties:

(a) To maintain close contact with and inspections of each project so as to assure execution of time-cost schedules and efficient contract performance if such project's total design and construction cost is more than fifty thousand dollars;

(b) To perform final acceptance inspections and evaluations; and
 (c) To coordinate all change or modification orders and progress payment orders.

(4) Facilities administration shall include the following powers and duties:

(a) To serve as state leasing administrator or agent for all facilities to be leased for use by the state and for all state-owned facilities to be rented to state agencies or other parties subject to section 81-1108.22. The division shall remit the proceeds from any rentals of state-owned facilities to the State Treasurer for credit to the State Building Revolving Fund and the State Building Renewal Assessment Fund;

(b) To provide all maintenance, repairs, custodial duties, security, and administration for all buildings and grounds owned or leased by the State of Nebraska except as provided in ~~subsection~~ subsections (5) and (6) of this section;

~~(c) To procure and manage office space and assign the remaining office space after the Executive Board of the Legislative Council has made its determination pursuant to subsection (1) of section 81-1108.21;~~

~~(d)~~ To be responsible for adequate parking and the designation of parking stalls or spaces, including access aisles, in offstreet parking facilities for the exclusive use of handicapped or disabled or temporarily handicapped or disabled persons pursuant to section 18-1737;

~~(e)~~ (d) To ensure that all state-owned, state-occupied, and vacant facilities are maintained or utilized to their maximum capacity or to dispose of such facilities through lease, sale, or demolition;

~~(f)~~ (e) To report monthly time-cost data on projects to the Governor and the Clerk of the Legislature;

~~(g)~~ (f) To administer the State Emergency Capital Construction Contingency Fund;

~~(h)~~ (g) To submit status reports to the Governor and the Legislative Fiscal Analyst after each quarter of a construction project is completed detailing change orders and expenditures to date. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division; and

~~(i)~~ (h) To submit a final report on each project to the Governor and the Legislative Fiscal Analyst. Such report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications and whether the construction complied with the related approved program statement. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division.

(5) Subdivisions (4) (b), (c), and (d), ~~and (e)~~ of this section shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) buildings and grounds owned or leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (c) buildings and grounds owned, leased, or operated by the Department of Correctional Services, (d) facilities to be leased for nonoffice use by the Department of Roads, (e) buildings or grounds owned or leased by the Game and Parks Commission if the application of such subdivisions to the buildings or grounds would result in ineligibility for or repayment of federal funding, (f) buildings or grounds of the state park system, state recreation areas, state historical parks, state wildlife management areas, or state recreational trails, or (g) other buildings or grounds owned or leased by the State of Nebraska which are specifically exempted by the division because the application of such subdivisions would result in the ineligibility for federal funding or would result in hardship on an agency, board, or commission due to other exceptional or unusual circumstances, except that nothing in this subdivision shall prohibit the assessment of building rental depreciation charges to tenants of facilities owned by the state and under the direct control and maintenance of the division.

(6) Security for all buildings and grounds owned or leased by the State of Nebraska in Lincoln, Nebraska, except the buildings and grounds described in subsection (5) of this section, shall be the responsibility of the Nebraska State Patrol. The Nebraska State Patrol shall consult with the Governor, the Chief Justice, the Executive Board of the Legislative Council, and the State Capitol Administrator regarding security policy within the State Capitol and capitol grounds.

(7) Each member of the Legislature shall receive a copy of the reports required by subdivisions ~~(4) (f), (h), and (i)~~ (4) (e), (g), and (h) of

this section by making a request for them to the ~~administrator~~ State Building Administrator. The information on such reports shall be submitted to the division by the agency responsible for the project.

Sec. 19. Section 81-1108.17, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.17. (1) The Department of Administrative Services shall be the custodian of ~~the State Capitol and capitol grounds,~~ the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under ~~subsection (5)~~ subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

(2) To aid in the performance of his or her duties, the Director of Administrative Services shall appoint an administrator. The administrator, under the direction of the director, shall have complete control and all powers necessary to properly maintain ~~the capitol and capitol grounds,~~ the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under ~~subsection (5)~~ subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

(3) ~~The administrator shall have the authority to develop, produce, and provide for free distribution or sale books, brochures, pictures, slides, postcards, and other informational or promotional material concerning the capitol. The administrator shall have control over the money received from the sale of such material and from private or public donations. Such proceeds and donations shall be placed in the Department of Administrative Services Cash Fund, which fund is hereby created, and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition and the production of such promotional materials. Such projects shall be prescribed by the administrator upon the advice of the Nebraska Capitol Commission pursuant to the approved comprehensive capital facilities plan for the capitol building.~~

(4) ~~The administrator, under the direction of the director, is authorized to lease space or to provide facilities for restaurants, cafeterias, or other services and newsstands for the convenience of state officers and employees in the State Capitol or buildings leased when such space is not needed for public use. Proceeds from the operations and rental of such facilities shall be credited to the State Building Revolving Fund and shall be expended as necessary for the purpose of offsetting the costs of operating and maintaining such facilities.~~

(5) ~~The~~ Except as provided in the act, the administrator, under the direction of the director, is authorized to (a) lease space or to provide facilities for the parking of state officers' and employees' vehicles as well as state-owned vehicles. He or she is authorized to and (b) lease, rent, or permit for use as apartments, dwellings, offices, and parking areas any or all of the property acquired for parking or for future building needs. All leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy of the property shall cease. All money received as rent from any property acquired shall be remitted to the State Treasurer and credited to the State Building Revolving Fund, except that receipts from parking charges for employee, public, and state vehicle parking shall be credited to the Capitol Buildings Parking Revolving Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors.

(6) (4) ~~The~~ The system of charges for state buildings and facilities shall include an amount sufficient to (a) accurately reflect operating costs, including routine maintenance and repair costs, and (b) fund building renewal projects under the Deferred Building Renewal Act and renovation, remodeling, and repair projects beyond the scope of the act. The proceeds received under subdivision (a) of this subsection shall be remitted to the State Treasurer for credit to the State Building Revolving Fund. The proceeds received under subdivision (b) of this subsection shall be remitted to the State Treasurer for credit to the State Building Renewal Assessment Fund. The administrator shall develop a system of equitable billings and charges for parking facilities under his or her control and used by state employees and state vehicles. The system of charges shall include an amount sufficient to cover the operating, maintenance, and repair costs associated with the parking facilities. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to time credited to the Capitol Buildings Parking Revolving Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All money derived from any source other than that to be credited to

the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, the State Building Renewal Assessment Fund, or other appropriate revolving fund shall be remitted to the State Treasurer and credited to the General Fund.

~~(7) The administrator shall acquire a flag of the United States of America of suitable and convenient size. The colors of the flag shall be fast colors, and the cloth shall be of substantial material. The administrator shall acquire, construct, and locate in a suitable place on the State Capitol proper, or its environs, a suitable flagstaff or pole upon which the flag of the United States of America shall be conspicuously displayed during each day of the year. The flag shall be so arranged on the staff or pole that it may be raised or lowered with ease.~~

~~(8) (5) The administrator shall see that all parts and apartments of the capitol and buildings leased are properly ventilated and kept clean and in order. The administrator shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense.~~

~~(9) (6) The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the capitol and capitol grounds, state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsection (5) subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act. The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the capitol or on the capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance in or on the buildings or lands.~~

~~(10) (7) The administrator shall keep in his or her office a complete record containing all plans and surveys of the capitol and capitol grounds, state laboratory and grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska and of underground construction under such buildings and lands. This subsection shall not apply to the State Capitol and capitol grounds.~~

Sec. 20. Section 81-1108.18, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.18. In order to promote the public safety and welfare, the administrator shall adopt and promulgate rules and regulations governing the parking of motor vehicles on the (1) approaches to the capitol, in consultation with the State Capitol Administrator, and capitol grounds and on the (2) lands owned or leased by the State of Nebraska and under the administrator's State Building Administrator's control. The rules and regulations may limit, restrict, or prohibit parking on such land. Notwithstanding the provisions of the Administrative Procedure Act, the rules and regulations shall become effective upon posting notice of the rules and regulations on or about the premises to be regulated. If any vehicle is found upon any regulated premises in violation of this section or the rules and regulations adopted pursuant to this section and the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. Violation of any such rules or regulations shall constitute a Class V misdemeanor.

Sec. 21. Section 81-1108.20, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.20. The administrator, with the consent of the Governor, shall employ all necessary assistants, engineers, janitors, custodians, and caretakers, fix their compensation, and terminate such employment from time to time as necessary for the efficient and economical discharge of his or her duties. The administrator shall purchase, through the materiel division of the Department of Administrative Services, such supplies, material, and equipment as may be necessary for the proper maintenance of the State Capitol and capitol grounds, state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsection (5) subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act. The total expenditures for such purposes shall not exceed the appropriations made for such purposes.

Sec. 22. Section 81-1108.22, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.22. (1) The division shall have the responsibility of

providing office space in leased and state-owned buildings in the proximity of the State Capitol and in other locations.

(2) When any board, agency, commission, or department of the state government not otherwise specifically authorized by law desires to use funds available for the purpose of renting office space outside of the State Capitol, it shall submit a request to the Director of Administrative Services accompanied by a certificate from the Committee on Building Maintenance that there is no state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the needs of the board, agency, commission, or department. If the director approves the lease, the terms and location shall be approved by the director and the administrator in writing and the leases shall be entered into and administered by the administrator on behalf of the board, agency, commission, or department. A copy of all such lease contracts shall be kept on file by the state building division and shall be open to inspection by the Legislature and the public during normal business hours.

(3) (a) The administrator shall develop a system of charges to cover basic rental, maintenance, renovations, and operation of such leased and owned properties. The charges to state agencies, boards, commissions, or departments of state government shall be paid from funds available for the purpose of renting space on a regular basis and placed, as applicable, in the State Building Revolving Fund, ~~which fund is hereby created,~~ and the State Building Renewal Assessment Fund. The administrator shall make payments for basic rentals, renovations, and maintenance and operational costs of all leased and owned buildings from the State Building Revolving Fund except for expenses relating to security provided by the Nebraska State Patrol as provided in subdivision (b) of this subsection.

(b) The State Building Revolving Fund is created. The fund shall be administered by the administrator. The fund shall consist of rental charges and other receipts collected pursuant to contractual agreements between the state building division and other entities as authorized by law. The fund shall be used to support the operations of the state building division as provided by law. That portion of rental revenue collected from state-owned or leased buildings and grounds in Lincoln, Nebraska, relating to security assessments shall be administratively transferred from the State Building Revolving Fund to the Nebraska State Patrol Cash Fund on a periodic basis. Any money in the State Building Revolving Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) The charges for such leased and owned properties shall only be adjusted by the administrator on July 1. Prior to any adjustment in the system of charges, the Department of Administrative Services, on or before December 1 of the year preceding the effective date of such adjustment, shall provide written notification to the Committee on Building Maintenance, the Clerk of the Legislature, and the Legislative Fiscal Analyst of the proposed adjustment to the system of charges.

(5) Commencing on April 18, 1992, all leases of real property entered into by any state agency, board, commission, or department shall be subject to this section. Leases held by a state agency, board, commission, or department on such date shall be valid until the lease contract is terminated or is subject to renewal. The division shall monitor all such leases and determine when the lease is subject to renewal. Once the determination is made, the division shall cancel the lease as of the renewal date and shall treat the need of the agency, board, commission, or department as an original request for space and subject to this section. This subsection shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) facilities to be leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (c) facilities to be leased for nonoffice use by the Department of Roads, or (d) facilities controlled by the State Department of Education, which were formerly controlled by the Nebraska School for the Visually Handicapped, to be rented to state agencies or other parties by the department.

Sec. 23. Section 81-1108.23, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.23. The administrator may employ architects, drafters, specialized engineers, and other professional personnel to provide plans, working drawings, and specifications required for the adequate maintenance, improvement, construction, and reconstruction of the ~~State Capitol and grounds,~~ state laboratory and grounds, Governor's Mansion and grounds, and all

other buildings and lands owned or leased by the State of Nebraska and under the administrator's control and may employ secretarial and administrative personnel necessary to carry out this section.

Sec. 24. Section 81-1108.31, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.31. Whenever any improvement district for the opening, widening, or otherwise improving Fifteenth Street in the city of Lincoln, Nebraska, which connects, adjoins, and is adjacent to the State Capitol and the University of Nebraska, is created by the Mayor and the City Council of the city of Lincoln, Nebraska, the President of the Board of Regents of the University of Nebraska and the ~~administrator~~ State Capitol Administrator are hereby authorized to sign petitions for the creation of an improvement district including that portion of Fifteenth Street in Lincoln, Nebraska, leading from the State Capitol to the university campus. This is for no other purpose than to form a plan and program, with the gathering of data and cost for the improvement of ~~said that portion of~~ Fifteenth Street. Such plan shall be submitted to a subsequent Legislature for its approval or rejection before any liability whatsoever for the consummation of such plan shall be fixed or made. Neither the Board of Regents of the University of Nebraska nor the administrator shall expend any money, nor shall the provisions of this section be construed to authorize the expenditure of any public funds whatsoever, except for the preliminary survey incident to the formation of such improvement plans, until the same shall have been authorized by a specific appropriation of the Legislature for the purpose based on the tentative plans so formulated and submitted to the Legislature as ~~above~~ contemplated in this section.

Sec. 25. Section 81-1108.32, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.32. The Nebraska Capitol Commission is hereby created. The commission shall consist of the Governor, the Speaker of the Legislature, the ~~Chief Justice of the Supreme State Court Administrator~~, the dean of the College of Architecture at the University of Nebraska-Lincoln, the Director of the Nebraska State Historical Society, and three other residents of Nebraska appointed by the Governor. One appointive member shall be appointed from each congressional district. The terms of the appointive members shall be staggered so that one term expires on March 1, 1994, one term expires on March 1, 1995, and one term expires on March 1, 1996. As the terms of the appointive members expire, the Governor shall, on or before March 1 of each year, appoint or reappoint a member of the commission for a term of three years to succeed the member whose term expires. Any member appointed after March 1 shall serve for the remaining portion of the three-year term.

The Governor shall serve as the chairperson of the Nebraska Capitol Commission, and the ~~Director of Administrative Services State Capitol Administrator~~ or his or her representative shall serve as the nonvoting secretary of the commission. The members of such commission shall be reimbursed for their actual and necessary expenses while away from home engaged in the performance of their duties as members of the commission as provided in sections 81-1174 to 81-1177.

Sec. 26. Section 81-1108.38, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.38. (1) It shall be the duty of the Nebraska Capitol Commission to provide advice to the ~~Department of Administrative Services Office of the Nebraska Capitol Commission~~ in carrying out this section. The department office shall ~~(1) establish policies and guidelines for the proper conservation, restoration, and enhancement of the State Capitol and its furnishings,~~ ~~(2) (a) establish policies and guidelines for the implementation of the approved Capitol Landscape Restoration Master Plan on and around the capitol grounds, and site development in and around the State Capitol and all other state-owned property located within the Nebraska State Capitol Environs District,~~ ~~(3) (b) participate with the commission created pursuant to section 90-306 to~~ (i) formulate a landscape restoration plan for all other state-owned property within the Nebraska State Capitol Environs District and (ii) conserve, protect, and enhance the environs and vistas of the State Capitol, ~~(4) establish policies and guidelines for use of the State Capitol's preservation and adaptive-use spaces including the adoption of a document of standards,~~ and ~~(5) (c) review the proposed construction and repairs of buildings for state use in and around the State Capitol and all other state-owned property located within the Nebraska State Capitol Environs District.~~ The Department of Administrative Services office, with the advice of the Nebraska Capitol Commission, may adopt and promulgate rules and regulations to carry out this section subsection.

~~The landscaping required pursuant to subdivision (2) of this section~~

may begin as soon as practicable during the renovation of the capitol structure, and at least seventy percent of the landscaping design shall be completed by the completion of the Capitol Masonry Restoration Project begun in 1998. Implementation of the landscaping shall be coordinated with the progress of work on the Capitol Masonry Restoration Project. On August 28, 1999, the Department of Administrative Services may begin contracting for the technical specifications and fabrication of fountains that will be placed in the center of each courtyard of the State Capitol. The Nebraska Capitol Commission shall consult the original design specification of the fountains during the planning and construction phase.

(2) The commission shall hold meetings at least twice a year from 1999 through 2010 and at least annually after 2010 on a quarterly basis or as needed. The commission shall meet at least annually with the Nebraska State Capitol Environs Commission to discuss and coordinate projects that may impact the capitol and its surrounding environs. The meeting with the Nebraska State Capitol Environs Commission may be held in conjunction with one of the meetings of the Nebraska Capitol Commission required by this section subsection.

(3) In addition to any other rights and powers conferred upon the commission, it shall monitor and advise the ~~administrator~~ State Building Administrator in exercising the power of eminent domain on behalf of the state for the purpose of acquiring sites or buildings for state use. The administrator may for such purpose take, hold, and condemn for the state any and all necessary property. The procedure to condemn property shall be exercised in the manner set forth in sections 76-701 to 76-726.

Sec. 27. Section 81-1108.50, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.50. The ~~state building division~~ within the Department of Administrative Services Office of the Nebraska Capitol Commission shall identify all furniture originally purchased for the State Capitol. The ~~division~~ office shall review the inventories and physical spaces of all agencies, boards, and commissions of the legislative, executive, and judicial branches to locate each item. From the items identified and located, the ~~division~~ office shall establish a classification system identifying each item by style, type, and condition.

Sec. 28. Section 81-1108.51 Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.51. The ~~state building division~~ Office of the Nebraska Capitol Commission shall establish and maintain an inventory of all original furniture including, but not limited to, its style, type, condition, location, and assignment.

Sec. 29. Section 81-1108.52, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.52. All agencies, boards, and commissions are directed to return all original capitol furniture to the State Capitol upon written notice by the ~~Director of Administrative Services~~ State Capitol Administrator. Such furniture shall be surplused to the ~~state building division~~ Office of the Nebraska Capitol Commission at no cost.

Sec. 30. Section 81-1108.53, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.53. All original capitol furniture shall be repaired and maintained by the ~~state building division~~ Office of the Nebraska Capitol Commission and shall be made available to occupants of the State Capitol. Assignment of original furniture shall be made at the discretion of the ~~Director of Administrative Services~~ State Capitol Administrator. The original furniture shall remain in the State Capitol at all times. Any agency that is relocated from the State Capitol shall make other provision for its furniture needs, and original furniture currently being used by such agency shall be eligible for reassignment by the ~~Director of Administrative Services~~ administrator.

Sec. 31. Section 81-2004, Reissue Revised Statutes of Nebraska, is amended to read:

81-2004. The Nebraska State Patrol, its subordinate officers such as lieutenant colonel, majors, captains, lieutenants, sergeants, corporals, patrolmen, and other employees shall be used primarily for the enforcement of the traffic and motor vehicle laws of the State of Nebraska and the handling of traffic within the state, except:

(1) The Superintendent of Law Enforcement and Public Safety, with the approval of the Governor, may designate such personnel of the Nebraska State Patrol to qualify and act as his or her deputies or investigators to assist him or her in the enforcement of the laws of the state relating to felonies, and the superintendent shall designate and train fifteen

investigators in addition to those authorized on September 2, 1973, to assist in such law enforcement; ~~and~~

(2) The superintendent shall designate and train ten special investigators in addition to those authorized on July 12, 1974, to assist him or her and all other law enforcement agencies in this state with enforcement of drug control legislation. As an aid to such special investigators, the superintendent shall appoint two stenographers and one laboratory technician in addition to those authorized on September 2, 1973; and

(3) The Nebraska State Patrol shall provide security for all buildings and grounds owned or leased by the State of Nebraska in Lincoln, Nebraska, except the buildings and grounds described in subsection (5) of section 81-1108.15.

There is hereby created in the state treasury a cash fund to be known as the Nebraska State Patrol Criminal Investigation Cash Fund which shall be used for the enforcement of any state law relating to felonies. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 32. Original sections 81-188.01, 81-188.02, 81-1107, 81-1108.17, 81-1108.18, 81-1108.20, 81-1108.22, 81-1108.23, 81-1108.31, 81-1108.32, 81-1108.38, 81-1108.50 to 81-1108.53, and 81-2004, Reissue Revised Statutes of Nebraska, and section 81-1108.15, Revised Statutes Supplement, 2002, are repealed.

Sec. 33. The following section is outright repealed: Section 81-1108.21, Reissue Revised Statutes of Nebraska.

Sec. 34. Since an emergency exists, this act takes effect when passed and approved according to law.