

LEGISLATIVE BILL 311

Approved by the Governor April 6, 1993

Introduced by Warner, 25

AN ACT relating to public buildings and lands; to amend sections 2-127, 72-729, 81-1108.17, 81-1108.32, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, 1943; to eliminate the State Building Advisory Commission; to create the Nebraska Capitol Commission; to provide powers and duties for the commission and the Department of Administrative Services; to eliminate provisions relating to the Nebraska Educational Telecommunications Building; to harmonize provisions; and to repeal the original sections, and also sections 72-718.03 and 72-718.05, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 2-127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-127. ~~There is hereby created for the use of the State Building Advisory Commission a fund to be known as the~~ The Nebraska State Fairgrounds Building Fund, which fund is hereby created, shall to consist of such money ~~as is hereafter~~ appropriated to such fund by the Legislature. Any money in the ~~Nebraska State Fairgrounds Building Fund~~ fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of Chapter 72, article 12 sections 72-1237 to 72-1276.~~ The proceeds of the ~~Nebraska State Fairgrounds Building Fund~~ fund shall be expended for the costs and payments to be made by the State Board of Agriculture to the county of Lancaster for the use by the ~~State of Nebraska state~~ and the State Board of Agriculture of ~~such~~ the grandstand, racetrack, and related facilities as authorized in section 2-126.

Sec. 2. That section 72-729, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-729. The Nebraska Hall of Fame Commission shall have power:

(1) To contract for the making and placing of busts or other appropriate objects commemorating the persons chosen to be placed in the State Capitol. ~~No~~ ; ~~PROVIDED, that no~~ busts or other appropriate objects commemorating the persons chosen shall be placed in the State Capitol except upon the approval receiving the advice of the ~~State Building Advisory~~ Nebraska Capitol Commission; and

(2) To receive and disburse gifts.

All funds to be expended shall be upon vouchers approved by the ~~chairman~~ chairperson and secretary of the ~~commission~~

Nebraska Hall of Fame Commission.

Sec. 3. That section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.17. 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 adjacent to the capitol grounds owned or leased by the State of Nebraska.

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 adjacent to the capitol grounds owned or leased by the State of Nebraska.

The administrator shall have the authority to develop, produce, and provide for free distribution or sale of 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 ~~and upon the advice of the State Building Advisory~~ Nebraska Capitol Commission pursuant to the approved comprehensive capital facilities plan for the capitol building.

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 ~~placed in~~ 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. Receipts from public parking charges shall be credited to the Department of Administrative Services Cash Fund and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition.

The administrator, under the direction of the director, is authorized to 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 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 ~~;-PROVIDED;-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 ~~;-AND PROVIDED FURTHER;-that all~~ money received as rent from any

property acquired shall be ~~paid into the state treasury and by~~ remitted to the State Treasurer placed in and credited to the State Building Revolving Fund, except that receipts from parking charges for employee 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. ~~Receipts from public parking charges shall be paid into the Department of Administrative Services Cash Fund and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition.~~

The system of charges for state buildings and facilities, the proceeds of which are ~~placed in~~ credited to the State Building Revolving Fund, shall include an amount sufficient to accurately reflect operating, maintenance, and repair costs. 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 ~~paid into~~ credited to the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, or other appropriate revolving fund shall be ~~paid into the state treasury and by~~ remitted to the State Treasurer ~~placed in and credited to~~ the General Fund.

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 ~~the day season of~~ 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.

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.

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 adjacent to the capitol grounds owned or leased by the State of Nebraska. 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 adjacent to the capitol grounds owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance therein or thereon.

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, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska and of underground construction thereto.

Sec. 4. That section 81-1108.32, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.32. ~~There~~ The Nebraska Capitol Commission is hereby created. ~~The commission shall a State Building Advisory Commission to~~ consist of the Governor, the ~~Director State Engineer, the Director of Administrative Services or his or her authorized representative,~~ Speaker of the Legislature, the Chief Justice of the Supreme Court, the dean of the College of Architecture at the University of Nebraska-Lincoln, and three other residents of the State of Nebraska ~~to be~~ appointed by the Governor. ~~The terms of the present members shall expire on March 1, 1966, March 1, 1967, and March 1, 1968, as designated 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. Appointive members of the State Building Advisory Commission serving on the effective date of this act shall serve as members of the Nebraska Capitol Commission until appointments are made by the Governor.

The Governor shall serve as the chairperson of the Nebraska Capitol Commission, and the Director of Administrative Services or his or her representative shall serve as the nonvoting secretary of the commission. The members of such commission shall ~~receive no salary but shall be paid~~ be reimbursed for their actual and necessary expenses while away from home engaged in the performance of their duties as members of ~~such~~ the commission as provided in sections 81-1174 to 81-1177, ~~for state employees.~~

Sec. 5. That section 81-1108.36, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.36. Except when sites or structures are named by statute, the administrator, after considering any recommendations of the ~~State Building Advisory~~ Nebraska Capitol Commission, shall review the

proposals of the various agencies and commissions for the naming of state-owned or leased sites or structures. Unless otherwise provided by statute, sites or structures shall not be named for citizens who are active elected officials or active employees of the State of Nebraska. Subsequent to review, the proposed name shall be approved by the Governor and the Legislature.

Sec. 6. That section 81-1108.38, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.38. It shall be the duty of the Nebraska Capitol Commission to provide advice to the Department of Administrative Services in carrying out this section. The department shall (1) establish policies and guidelines for the proper conservation, restoration, and enhancement of the State Capitol and its furnishings and grounds, (2) participate with the commission created pursuant to section 90-306 to conserve, protect, and enhance the environs and vistas of the State Capitol, (3) 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 (4) review the proposed construction and repairs of buildings for state use. The Department of Administrative Services, with the advice of the Nebraska Capitol Commission, may adopt and promulgate rules and regulations to carry out this section. State Building Advisory Commission (1) to recommend the repairs and improvements of the capitol building and review contracts therefor, and (2) to review the construction, repairs, and improvements of the Governor's Mansion and the construction and repairs of buildings for state office space.

In addition to any other rights and powers conferred upon the ~~State Building Advisory Commission~~, such commission, it shall monitor and advise the 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 ~~Chapter 76, article 7 sections 76-701 to 76-726.~~

Sec. 7. That original sections 2-127, 72-729, 81-1108.17, 81-1108.32, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, 1943, and also sections 72-718.03 and 72-718.05, Reissue Revised Statutes of Nebraska, 1943, are repealed.