

NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that Administrative Services will hold a rulemaking hearing pursuant to Neb. Rev. Stat. § 84-907 on December 2, 2022, at 9:00 am at 1526 K Street, Buffalo Rm, Lincoln, Nebraska.

The purpose of the hearing is to receive comments on proposed Title 7, Chapter 6, entitled Use of State Property. The purpose of the proposed rule is to eliminate obsolete provisions that mirror statute(s), reduce regulatory burden, and to simplify and clarify the rules.

Proposed rules are available at the office of the Secretary of State, Regulations/Licensing Division, Room 1305, State Capitol, Lincoln, NE 68509 and online at <http://www.sos.ne.gov>. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

All interested persons may attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to hearing which will be made part of the hearing record at the time of hearing if received by DAS on or before the hearing time. Written comments may be sent by mail to the Department of Administrative Services, 1526 K St., Suite 140, Lincoln, NE 68508 or by email to adam.kauffman@nebraska.gov.

Reasonable accommodations will be provided to persons with disabilities by contacting Adam Kauffman at (402) 471-4114 or adam.kauffman@nebraska.gov by November 28, 2022.

FINAL FISCAL IMPACT STATEMENT

Agency: Department of Administrative Services – State Building Division	
Title: 7	Prepared by: Amara Block
Chapter: 6	Date prepared: 6/14/22
Subject: State Building Division	Telephone: 402-432-0121

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

State Agency: **No Fiscal Impact.**

Political
Subdivision: **No Fiscal Impact.**

Regulated
Public: **No Fiscal Impact.**

If indeterminable, explain why:

TITLE 7 ~~DEPARTMENT OF ADMINISTRATION SERVICES~~ STATE BUILDING
DIVISION

CHAPTER 6 ~~RULES AND REGULATIONS GOVERNING USE OF STATE OFFICE BUILDING~~
~~301-CENTENNIAL MALL SOUTH, LINCOLN, NEBRASKA PROPERTY~~

001. ~~Authorit~~

~~The responsibility of the State Office Building is vested in the State Building Division of the Department of Administrative Services. (See Section 81-1108.15 R.R.S. 1943 Cumulative Supplement 1976) "The division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities administration and shall promulgate rules and regulations to carry out the provisions of this section." Section 81-1108.17 further states, "...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, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska."~~

002. ~~Events Requiring Prior Clearance~~

002.01 ~~Commission and/or Board meetings in the State Office Building and which are open to the public.~~

002.02 ~~Fund Raising Activities — Solicitation — Any fund raising canvassing or direction solicitation in individual offices is prohibited. Charitable fund raising activities, in the public interest, may be permitted upon written request but only after written approval from the Building Administrator.~~

002.03 ~~Recruitment — Recruitment for the United States Armed Forces or for any civil group or organization must have prior written approval of the State Building Division Administrator.~~

002.04 ~~Entertainment — Any entertainment program to merit approval will normally be limited to state employees during non-office hours within canteen service areas.~~

002.05 ~~Demonstrations — All demonstrations must be peaceful and non-violent in nature. All such activities will be restricted to the outside of the building. The Building Administrator shall request aid from the State Patrol or other enforcement agency when necessary. Demonstrators shall not block any entry or exit to the building. Any such group wishing to be heard by a specific agency or official shall select one person to speak on behalf of the group and, if entry to the building is recommended by the agency or official to whom appeal is being made, all aisles shall be kept open and no activity which may disrupt the normal order of the State business will be tolerated.~~

003. ~~General Procedures~~

~~003.01 The Department of Administrative Services, State Building Division, shall not notified of all activities that are to take place in the State Office Building during the normal nonbusiness hours, i.e. public hearings, Board of Commission meetings, and all other general or specific meetings likely to attract visitors other than regular State employees. No unauthorized activity shall take place in the State Office Building or on any related State property.~~

~~003.02 All requests for use of areas within the State Office Building, not specifically controlled by constitutional executive officers or the Legislature or Judicial branches of government, shall be made in writing and addressed to the Administrator, State Building Division, at least ten days in advance of the proposed function so that the required approval can be obtained. Requests should be specific as to the type of function, approximate number of people to be involved, areas of the building to be used, responsible party involved, time, date, duration, and any other specific information relative to the request. (Refer to Form SBD1:2-77 attached.) A written response shall be made to each request within five days indicating the reason for the disapproval if such action is warranted.~~

004. General Guidelines

~~004.01 Except as may be necessary for the effective conduct of interagency governmental business, employee will limit their activities to the section of the building assigned to their respective agency and to the public use areas. The organization and/or persons requesting specific use of the building shall be held responsible fore the actions of all parties involved with the particular function or activity. Those persons who will be responsible for control of persons granted access to specified areas are to be identified in the request for approval.~~

~~004.02 Keys shall be issued only to State employees, food service contractors and/or utility service personnel for those areas of the State Office Building where they may have assigned responsibilities.~~

~~004.03 All approved special activities shall be confined to those areas designated in the letter of request. Specific restrooms in the same areas of each activity will be designated as accessible.~~

001. State property means the property described in Neb. Rev. Stat. § 81-1108.15(6).

002. Fundraising, canvassing, or direct solicitation is not permitted, except that charitable fundraising and recruitment for the U.S. Armed Forces may be permitted with prior written approval from the Building Administrator.

003. Climbing on, destroying, damaging, defacing, or removing state property or any part thereof is not permitted.

004. Conduct that creates loud or unusual noise, obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, or parking lots, impedes or disturbs public employees in the performance of their duties, or impedes or disturbs the public in its access to the use of state property is not permitted.

005. Demonstrations must be peaceful, non-violent, are restricted to outside of buildings, and may not block any entry or exit.

006. Keys may be issued only to state employees or contractors approved by Building Division.

007. No animals are allowed on state property except for service animals, as defined by the Americans with Disabilities Act and animals used by law enforcement or emergency personnel in their official capacities.

Only flags

~~004.04 No installation shall be made which may deface or damage the floor or walls. This shall include but is not limited to paint, tape, glue, paste or any other substance deemed to be harmful to any part of the structure by the Facility Manager. Approval may be granted to use nails for hanging pictures on "permanent" drywall partitions while only special magnetized hooks may be used on the movable Hauserman walls. The only hangers permitted on the Westinghouse partitions are those which are specifically designed for that purpose by the manufacturer. No movable walls or partitions are to be realigned, removed, or installed without the specific authorization of the Facility Manager.~~

~~004.05 No pets or animals of any kind shall be allowed in the State Office Building except fore those animals necessary to assist movement of handicapped individuals.~~

~~004.06 Drinking of alcoholic beverages within the State Office Building and/or adjacent state owned property is prohibited.~~

~~004.07 To the degree practical, the State Building Division may upon prior request, furnish tables, chairs, lights, trash receptables, seminars or workshops in any of the conference rooms. At no time is any state-owned furniture or office equipment controlled by the Facilities Managers to be removed from its assigned location, appropriated for use in another area, disassembled or repaired without the specific approval of the Facilities Administrator or his representative.~~

~~004.08 All persons entering and leaving the State Office Building during non-business hours shall, unless entry is by employee key card, sign the building register located at the security guards' station. Other visitors or employees shall provide satisfactory evidence of employment and authorization for "after hours" entry by an administrator of the agency to which access is requested.~~

~~004.09 Any destruction of shrubbery or other plantings is prohibited.~~

004.010-008. No flags, except those approved by the State Building Division will be displayed on any flagpole associated with the State Office Building flagpoles.

009. If an individual is in violation of these regulations, the Nebraska State Patrol (NSP) will first attempt to notify such individual that he or she is not compliant with the regulations and allow such

individual to correct their behavior. Failure to comply with this request could result in a citation and/or order to leave.

~~004.011 No Access to the dock area administered by the Materiel Division, Department of Administrative Services, shall be limited to persons and their vehicles necessary for effective support of state government functions. Unattended vehicles, as well as private vehicles occupying public use space, may be ordered towed away at the owner's expense.~~

~~004.012 All rules and regulations shall be enforced by the State Building Administrator, Facility Manager, Building Division Security personnel, the State Patrol, and/or any enforcement agency called upon to assist in keeping with the magnitude of the situation.~~

010. person shall remain on state property after having been ordered or directed by a member of NSP or other law enforcement personnel to leave state property. Failure to comply may result in a citation for trespassing.