

## NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Nebraska State Patrol will hold the following rulemaking hearing. The purpose of this hearing is to take testimony and evidence concerning adoption of proposed Chapter 25 of Title 272, entitled "Rules and Regulations Governing Security at State Capitol Building Lincoln, Nebraska", which will be heard on February 17, 2021 from 9:00 a.m. to 10:00 a.m. at 1600 Nebraska Highway 2, Lincoln, NE 68502.

The purpose of the proposal is to update and clarify the regulations necessary to maintain security at the Capitol. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

Copies of the proposed regulations and the Fiscal Impact Statements shall be available for public inspection at the Office of the Secretary of State and on their website at: <https://sos.nebraska.gov/regulations/rules-and-regulations-division>

NOTE: Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide comments. Interested persons may provide verbal comments by calling 1-888-820-1398; Participant code: 6366586#. Interested persons may provide written comments by mail or email no later than the day of the hearing to: NSP Legal Office, PO Box 94907, Lincoln, NE 68509-4907 or [nsp.regulations@nebraska.gov](mailto:nsp.regulations@nebraska.gov). Any written comments will be part of the record and will be considered.

## FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272 NAC	Prepared by: Jessica Forch
Chapter: 25	Date prepared: January 7, 2021
Subject: Rules and Regulations Governing Security at State Capitol Building Lincoln, Nebraska	Telephone: 402-479-3506

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			

Description of Impact:

State Agency: There is no fiscal impact related to the proposed repeal.

Political Subdivision: There is no fiscal impact related to the proposed repeal.

Regulated Public: There is no fiscal impact related to the proposed repeal.

CHAPTER 25 RULES AND REGULATIONS GOVERNING SECURITY AT STATE  
CAPITOL BUILDING LINCOLN, NEBRASKA

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**001 AUTHORITY**

The authority of the Nebraska State Patrol to promulgate and enforce these rules may be found in Neb. Rev. Stat. § 81-2003.

**002 DEFINITIONS**

**002.01 CAPITOL BUILDING** means the Nebraska State Capitol.

**002.02 CAPITOL COMMISSION** means the Nebraska Capitol Commission.

**002.03 CAPITOL PROPERTY** includes all property within the street curb circumscribing the State Capitol, K Street south curb-line, 16th Street west curb-line, H Street north curb-line and 14th Street east curb-line, except perimeter public sidewalks.

**002.04 PUBLIC SPACE** includes areas of the Capitol Property which are generally open to the public. Public spaces include, but are not limited to, restrooms, corridors, stairways, tower elevators, the Capitol Dining Room, Rotundas, second floor Vestibule, Foyer, East and West Chambers and Lounges, Supreme Court and Court of Appeals Courtrooms, Law Library, Third Floor at the Rotunda, Fourteenth Floor Memorial Hall and exterior gallery observation decks, exterior face of the building, exterior promenade deck, all entrances, walks, and plazas, and the Capitol Grounds and Courtyards. There are spaces within the Capitol Property which are not considered public spaces, (i.e., private offices, controlled access corridors and floors, and other controlled access spaces.)

**002.05 PUBLIC HOURS** The Nebraska State Capitol is open to the public Monday through Friday from 8:00 a.m. to 5:00 p.m., Saturdays and Holidays falling on weekdays from 10:00 a.m. to 5:00 p.m., and on Sundays from 1:00 p.m. to 5 p.m. The Capitol is closed Thanksgiving Day and the Friday after, Christmas Day, and New Year's Day. The Capitol Grounds and Promenade Deck are open from Sunrise to Sunset (unless closed). Events with prior approval are allowed on the North Plaza and West Plaza from 6:30 a.m. to 10:30 p.m.

**003 PROHIBITIONS AND ORDERS ON CAPITOL PROPERTY**

**003.01 – ANIMALS** - No pets, livestock, or animals of any kind shall be allowed on Capitol Property except for service animals, as defined by the Americans with

Disabilities Act (ADA) and accompanying guidance, and animals used by law enforcement personnel or emergency responders in their official capacities.

**003.02 - ALCOHOL** - Drinking of alcoholic beverages on Capitol Property is prohibited, unless specifically authorized by the Capitol Commission and the Nebraska Liquor Control Commission.

**003.03 - SLEEPING** - No overnight camping or sleeping in public areas on Capitol Property.

**003.04 - LAWN AND SHRUBBERY** - Any damage to the lawn area or shrubbery or other plantings is prohibited.

**003.05 - SIGNS** - Carrying, transporting, or using signs, posters, placards or banners exceeding eleven inches (11") by seventeen inches (17") in size inside the Capitol Building is prohibited.

- a. All signs shall only be handheld on Capitol Property. No handles, sticks, supports, poles, posts, or other items used to hold up signs will be allowed on Capitol Property.
- b. Except as otherwise allowed by the Capitol Commission, signs, posters, placards or banners shall not obstruct the freedom of passage on or through Capitol Property.
- c. Signs shall not be driven or staked into the ground nor attached to nor supported by any tree, monument, statue, etc. on Capitol Property.
- d. All signs left unaccompanied or not in actual physical control shall be considered abandoned property and may be disposed.

Nothing in these rules is meant to prohibit the use of signs as approved by the Office of the Capitol Commission or signs posted by state employees on or around the doors of their respective offices when necessary for official business.

Signs are not permitted in the Courtrooms, including the Nebraska Supreme Court and the Nebraska Court of Appeals, the East and West Legislative Chambers, and the Governor's Suite.

**003.06 - PROHIBITED BEHAVIORS** - The following acts in or on Capitol Property are prohibited:

- a. Improper disposal of trash, spitting, creation of any hazard to persons or things, throwing of articles of any kind from the Capitol Building, climbing upon any part of the Capitol Building, and the destruction, damage, or removal of property or any part thereof;

- b. Conduct prohibited by any other applicable law or ordinance, policy or rule of the Legislature, policy or order of the Executive Board of the Legislative Council, Nebraska Supreme Court rule or order, or policy or order of the Nebraska Capitol Commission;
- c. Conduct that creates loud and unusual noise, or that obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, and parking lots, or that otherwise tends to impede or disturb public employees in the performance of their duties, or that otherwise impedes or disturbs the public in its access and use to designated property;
- d. Bullhorns or other noise amplification devices shall not be used inside the Capitol;
- e. Climbing or stepping upon statues, monuments, fences, barriers, lighting fixtures, trees or parts of the Capitol not intended for such purpose.

**003.07 – VIOLATIONS OF REGULATIONS** - If an individual is in violation of these regulations, the Nebraska State Patrol 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.

**003.08- ORDER TO LEAVE** - No person shall remain on Capitol Property after having been ordered or directed by a member of the Nebraska State Patrol or other law enforcement personnel to leave Capitol Property. Failure to comply may result in a citation for trespassing.

**003.09 - SUBJECT TO SEARCH** - All backpacks, bags, packages, briefcases or other containers in the immediate possession of visitors, employees, or other persons arriving on, working at, visiting, or departing from Capitol Property are subject to search. The Nebraska State Patrol may inspect any equipment or apparatus brought in and may limit or prohibit the use of any items which might affect safety or the normal operation of the building. Unattended items on Capitol Property may be confiscated.

**003.10 – WHEELED VIOLATIONS** - The operation of bicycles, roller skates (including inline), skateboards, scooters, hoverboard, wheelie shoes, Segways, or any other form of wheeled personal transportation, with the exception of wheeled law enforcement transportation, wheeled transportation for children, such as a stroller, and medical mobile equipment, such as wheelchairs and scooters, on Capitol Property is prohibited.