

## LEGISLATIVE BILL 1048

Approved by the Governor April 12, 1974

Introduced by Appropriations Committee, Marvel, 33, Chmn.; Clark, 47; Savage, 10; S. Marsh, 29; Simpson, 46; Stahmer, 8; Whitney, 44; Johnson, 15

AN ACT to amend sections 72-701.08, 72-706, 72-706.01, 72-707, 72-708, 72-709, 72-709.02, 72-710, 72-710.03, 72-711, 72-712, 72-716, 72-718, 72-729, 72-730, 81-1108, 81-1108.02, 81-1108.04, 81-1108.06, 81-1108.07, 81-1108.08, and 81-1108.09, Reissue Revised Statutes of Nebraska, 1943, and sections 72-710.01, 72-710.02, 72-716.01, 72-716.02, 72-716.03, 72-716.04, 72-718.07, and 81-1120.08, Revised Statutes Supplement, 1973, relating to state administrative departments; to create the state building division as prescribed; to provide for a State Building Administrator; to rename the State Building Commission as the State Building Advisory Commission; to prescribe and transfer duties; to provide an operative date; to provide severability; to repeal the original sections, and also sections 72-709.01, 72-717, 81-1108.03, 81-1108.05, and 81-1120, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. As used in this act, unless the context otherwise requires:

(1) Division shall mean the state building division charged with the responsibility of statewide facilities planning, facilities construction, and statewide facilities administration, which division shall be a part of and subject to the supervision of the office of the Director of Administrative Services; and

(2) Administrator shall mean the State Building Administrator.

Sec. 2. There is hereby established a division within the Department of Administrative Services to be known as the state building division, to be headed by a State Building Administrator appointed by the Director of Administrative Services. The compensation of such administrator shall be fixed by the Director of

Administrative Services subject to availability of appropriations.

Sec. 3. That section 81-1108.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1108.04:~~ The head of the capital facilities planning bureau State Building Administrator shall be a person who has a bachelor's degree or higher degree from an accredited college or university in either architecture, architectural engineering, or civil engineering and holds a current certificate of registration from the Board of Examiners for Professional Engineers and Architects. In addition, he shall have and who has at least four years' administrative experience in planning, design, or construction of major construction projects. Eight years of additional applicable experience may be substituted for the above-mentioned educational requirements.

Sec. 4. The administrator shall, before entering upon the duties of his office, subscribe and take the constitutional oath of office, which shall be filed in the office of the Secretary of State.

Sec. 5. The administrator shall, before entering upon the discharge of the duties of his office, execute bond to the State of Nebraska as provided in section 11-119 with corporate surety to be approved by the Governor, in the sum of fifty thousand dollars, and conditioned for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State. The premium on the bond shall be paid by the state.

Sec. 6. 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.

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

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

(b) To coordinate master planning of capital construction;

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

(c) 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; and

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

(2) 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.

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

(a) To serve as state leasing administrator or agent;

(b) To provide or assure adequate security to all buildings and grounds owned or leased by the State of Nebraska;

(c) To procure, manage, and assign office space;

(d) To be responsible for adequate parking;

(e) To perform all maintenance, repairs, and custodial duties necessary to properly maintain the Capitol and grounds, Governor's Mansion and grounds, state laboratory and grounds, state parking, and all properties adjacent to the Capitol grounds owned or leased by the State of Nebraska;

(f) To report monthly time-cost data on projects to the Governor and legislature; and

(g) To administer the State Emergency Capitol Construction Contingency Fund and the State Office Building Fund.

Sec. 7. The administrator shall review program statements and contracts and file a written report on each program statement and contract reviewed pursuant to the provisions of section 34 of this act. Such administrator shall file subsequent reviews and reports upon completion of the planning or design phase of the project indicating the compatibility of the projects with capital construction plans, probable cost of project, accepted cost standard, and the relationship of project to other agency or departmental capital facilities pursuant to the provisions of section 34 of this act.

Sec. 8. That section 72-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-706:~~ 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 pursuant to ~~section 72-746:04~~ by the State of Nebraska. To aid in the performance of his duties as such custodian, the Director of Administrative Services shall appoint a ~~an~~ Superintendent of Buildings and ~~Grounds~~ administrator. The superintendent 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 pursuant to ~~section 72-746:04~~ by the State of Nebraska. He shall have complete control of ~~all~~ furniture and equipment therein; ~~except~~ telephone and ~~telecommunications~~ equipment and furniture of the legislature and of the Supreme Court. The superintendent 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 pursuant to ~~section 72-746:04~~ when such space is not needed for public use. 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 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; under the authority of subdivision 16) of section 72-4067; 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; and provided further, that all money received as rent from any property acquired under the provisions of subdivision 16) of section 72-4067, shall be paid into the state treasury and by the State Treasurer placed in the State Building Fund, except that receipts from parking charges shall be credited to the Capitol Buildings Parking Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors. The administrator shall develop a system of equitable billings and charges for employee parking. 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 Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All collections for payment of telephone expenses shall be placed in the telephone expense revolving fund which is hereby created. Expenditures shall be made from the telephone expense revolving fund for the payment of telephone expenses subject to appropriations by the legislature. Such payment shall be made by the telecommunications director. All money derived from any source other than that to be paid into the State Building Fund or the Capitol Buildings Parking Fund or the telephone expense revolving fund shall be paid into the state treasury and by the State Treasurer placed in the General Fund. He 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. He 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. He shall see that all parts and apartments of the capitol and buildings leased pursuant to section 72-748.64 are properly ventilated and kept clean and in order. He shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense. He 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 pursuant-to-section-72-746.01 by the State of Nebraska. He 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 pursuant-to-section 72-746.01 by the State of Nebraska under his control, or for committing or threatening to commit a nuisance therein or thereon. He shall keep in his office a complete record containing ~~an itemized account of all state property, including furniture and equipment, under his care and control, and 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. 9. That section 72-706.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-706.01.~~ In order to promote the public safety and welfare, the ~~Department of Administrative Services~~ administrator shall adopt rules and regulations governing the parking of motor vehicles on the approaches to the capitol and capitol grounds, and on the lands adjacent to the capitol grounds, owned or leased pursuant-to-section 72-746.01 by the State of Nebraska. Such rules and regulations may limit, restrict, or prohibit parking thereon. Notwithstanding the provisions of article 9 of Chapter 84, such rules and regulations shall become effective upon posting notice of the same or of about the premises to be regulated. Violation of any such rules or regulations shall constitute a misdemeanor. Any person found guilty of such violation shall be punished by a fine of not less than one dollar nor more than twenty-five dollars.

Sec. 10. That section 72-708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-708.~~ The ~~superintendent~~ administrator shall make a verified report which shall cover all his transactions herein, ~~and the Governor shall include it in his message to the legislature at the conclusion of each biennium.~~ The report shall show in detail (1) all expenditures made on account of the capitol and other property under his care and control, (2) the condition of

all real ~~and personal~~ property of the state under his care and control, (3) a report of any loss, destruction, or injury to any such property, with the causes thereof, (4) the measures which are in his judgment necessary for the care and preservation of the property under his control, and (5) any further recommendations as to methods which would tend to render the custodianship of the capitol and capitol grounds more efficient and economical. Such report shall be presented to the Governor and the Legislature.

Sec. 11. That section 72-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-709.~~ The ~~superintendent 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 he shall find necessary for the efficient and economical discharge of the duties hereby imposed. He 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, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased ~~pursuant to section 72-748:01~~ by the State of Nebraska. The total expenditures for such purposes for the ~~biennium~~ shall not exceed the appropriations made therefor.

Sec. 12. (1) All office space in the capitol building or in any other state office building assigned to the executive, judicial or legislative branches of government on April 1, 1965, shall remain under the control of the branch assigned such space except as provided in this subsection. No space shall be taken from either the judicial or legislative branch without the consent of the Chief Justice or the Legislature if in session, or by the Executive Board of the Legislative Council if the Legislature is not in session, respectively. The needs for space of the Legislature shall be determined by the Legislature if in session and by the Executive Board of the Legislative Council if the Legislature is not in session. No required space shall be taken from the executive branch without concurrence of the Governor.

(2) The administrator shall be responsible to the director for determination of the space needs of all other departments and agencies of the state and for the

assignment of office space within the executive branch. The determination of such needs shall be based on considerations of: (a) Space available as provided in this section within the capitol building and other state office buildings; (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 capitol building or other state office buildings to the agencies and departments having requirements for direct dealing with the public in accordance with the volume of such dealings and the nature of the population served; (d) the interdependence of functions and operating procedures of the various agencies with one another as such interdependence may be efficiently accommodated through physical proximity in the location of assigned space; (e) applicable standards governing office requirements as may be developed; (f) proposed additions to functions or programs or creation of new functions or programs as authorized and required by action of the Legislature; (g) the availability of appropriations with which to finance renovations, remodeling and movement of equipment necessary to accommodate any proposed assignment or reassignment of area; (h) the degree to which funds raised by general taxation or having effect on the level of general taxation shall be affected by any proposed assignment of space outside the capitol building or other state office buildings; and (i) conformity to federal standards in the assignment of space in buildings constructed with federal funds.

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

(4) Responsibility for employment and supervision of custodial and janitorial workers for areas of the capitol building 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; Provided, that 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 capitol building or other state office building shall be at the disposal of the administrator.



Sec. 13. That section 72-701.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-701-08:~~ (1) Any board, agency, commission, or department of the state government not otherwise specifically authorized by law may use funds available for the purpose of renting office space outside of the State Capitol when the terms and location are approved by the Governor Director of Administrative Services in writing and the acquisition of space outside of the State Capitol has been approved by motion of the Legislature when in session or by majority vote of the Executive Board of the Legislative Council when the Legislature is not in session.

(2) The division shall have the responsibility of providing office space in leased buildings in the proximity of the State Capitol or in other locations approved by the Governor. The administrator shall develop a system of charges to cover basic rental, maintenance, renovations, and operation of such leased 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 in the Leased Office Building Fund, which fund is hereby created. The administrator shall make payments for basic rentals, renovations, and maintenance and operational costs of such leased buildings from the Leased Office Building Fund.

Sec. 14. That section 72-709.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-709-02:~~ The consulting-engineer administrator shall have authority to employ architects, draftsmen, specialized engineers, and other professional personnel, who are specialized in subjects related to and 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 adjacent to the capitol grounds owned or leased by the State of Nebraska, and secretarial and administrative personnel necessary to carry out the duties required by ~~sections 72-709-01 to 72-709-03~~ the provisions of this section.

Sec. 15. There is hereby created, for the use of the Department of Administrative Services, a fund to be known as the State Emergency Capital Construction

Contingency Fund, to consist of such money as shall be appropriated to such fund by the Legislature. Any money in such fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 16. The proceeds of the State Emergency Capital Construction Contingency Fund created by section 15 of this act shall be expended by the Department of Administrative Services as and when approved by the Governor. Such proceeds shall be expended to supplement available funds for construction projects when needed for emergency construction, repair, or remodeling. For the purposes of this section emergency shall mean that a clear and foreseeable danger is created and that without institution of appropriate measures to reduce or alleviate such danger the health, safety, or welfare of the citizens of this state or the purposes of the facility will be or will continue to be threatened.

Sec. 17. That section 72-710, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-746.~~ The heat and power plant of the University of Nebraska, together with tunnels and conduits appurtenant thereto, shall be operated and maintained under the immediate control of the Board of Regents of the University of Nebraska. Such plant shall supply heat, light, and power for use at the University of Nebraska, the State Capitol, including the executive mansion, and the Nebraska State Historical Society. Cost of operation and maintenance of the plant and its appurtenances shall in the first instance be borne by the Board of Regents. The cost of operation, repairs, and maintenance shall be apportioned between the University of Nebraska, the State Capitol, including the executive mansion, and the Nebraska State Historical Society, upon the percentage of heat, light, and power received by each. At the end of each month, the Board of Regents of the University of Nebraska shall forward to the ~~custodian of the State Capitol administrator~~ a bill for the share of the cost of operation for such month chargeable to the State Capitol, including the executive mansion, and to the superintendent of the Nebraska State Historical Society for the share of the cost of operation for such month chargeable to the Nebraska State Historical Society. The Board of Regents shall forward annually to the ~~custodian of the State Capitol administrator~~ a statement for the share of the cost of repairs and maintenance chargeable to the State Capitol, including the executive mansion, and to the superintendent of the Nebraska State Historical Society for the share of the

cost of repairs and maintenance chargeable to the Nebraska State Historical Society. If no objection in writing is made by the ~~custodian--of--the--State--Capitol~~ administrator or the superintendent of the Nebraska State Historical Society within ten days after the receipt of such statements, they shall constitute valid obligations to be paid in the manner prescribed by law for payment of operating expenses of the State Capitol and by the Nebraska State Historical Society from funds appropriated for that purpose by the Legislature. In case objection shall be made, the Board of Regents of the University of Nebraska and the ~~custodian--of--the--State--Capitol~~ administrator or the superintendent of the Nebraska State Historical Society, whichever shall object, shall endeavor to arrive at a proper charge and, in case of inability to do so, shall submit the matter to arbitration, one arbitrator to be named by each party and the third to be chosen by those so named. The amount fixed by the arbitrators shall constitute a valid obligation to be paid in the manner indicated above.

Sec. 18. That section 72-710.01, Revised Statutes Supplement, 1973, be amended to read as follows:

~~72-746-01:~~ The Board of Regents of the University of Nebraska is authorized to furnish and to enter into agreements with the Department of Public Institutions and the Department of Correctional Services to furnish a supply of electric current to such departments at the line now maintained or hereafter constructed between the electric power plant at the Nebraska Penal and Correctional Complex and the State Capitol, which power shall be furnished by the heating plant located upon the city campus of the University of Nebraska at Lincoln; Provided, that such electrical service to the Department of Public Institutions and the Department of Correctional Services for distribution to other state buildings and institutions shall be furnished only if the same may be generated and furnished without impairment or reduction of the power necessary to proper and efficient operation of the University of Nebraska and the State Capitol, including the executive mansion.

Sec. 19. That section 72-710.02, Revised Statutes Supplement, 1973, be amended to read as follows:

~~72-746-02:~~ The Department of Public Institutions and the Department of Correctional Services are authorized to furnish and to enter into agreements with the Board of Regents of the University of Nebraska to furnish a supply of electric current to the Board of Regents of the University of Nebraska at the line now maintained, or hereafter constructed, between the

electric power plant at the University of Nebraska and the State Capitol, which power shall be furnished by the electric power plant located at the Nebraska Penal and Correctional Complex; Provided, that such electrical service to the Board of Regents shall be furnished only if the same may be generated and furnished without impairment or reduction of the power necessary to proper and efficient operation of state buildings and institutions dependent upon the Nebraska Penal and Correctional Complex power plant.

Sec. 20. That section 72-710.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-740-03:~~ The Board of Regents of the University of Nebraska is authorized to furnish and to enter into agreements with ~~the State Building Commission~~ and the Department of Administrative Services to furnish heat, light, and power for use at any building leased by the State of Nebraska, ~~pursuant to section 72-740-04.~~ Any such agreement shall provide for the apportionment of costs in the same manner as is provided in section ~~72-740~~ 17 of this act.

Sec. 21. That section 72-711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-744:~~ The Board of Regents of the University of Nebraska is authorized to furnish and to enter into agreements with the Nebraska State Board of Agriculture to furnish a supply of electric current to the State Fair Grounds and buildings, which shall be furnished by the heating plant located upon the city campus of the University of Nebraska at Lincoln; Provided, that such electric service to the Nebraska State Board of Agriculture for use at the State Fair Grounds shall be furnished only if the same may be generated and furnished without impairment or reduction of the power necessary to proper and efficient operation of the University of Nebraska and the State Capitol, including the executive mansion.

Sec. 22. That section 72-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-742:~~ 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 ~~Director-State-Engineer 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 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 ~~Director-State-Engineer 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.

Sec. 23. That section 72-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-746:~~ There is hereby created a State Building Advisory Commission to consist of the Governor, the ~~Director-State Engineer,~~ the Director of Administrative Services or his authorized representative, 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. As the terms of the 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. The members of such commission shall receive no salary but shall be paid their actual hotel and traveling expenses while away from home engaged in the performance of their duties as provided by sections 72-746 to 72-748 members of such commission.

Sec. 24. That section 72-716.01, Revised Statutes Supplement, 1973, be amended to read as follows:

~~72-746.01:~~ There is hereby created, for the use of the ~~State--Building--Commission~~ Department of Administrative Services, a fund to be known as the State Office Building Fund, to consist of such money as

appropriated to such fund by the Legislature. Any money in the State Office Building Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 25. That section 72-716.02, Revised Statutes Supplement, 1973, be amended to read as follows:

~~72-716.02:~~ The proceeds of the State Office Building Fund created by section ~~72-716.01~~ 24 of this act shall be expended by the ~~State Building Commission~~ Department of Administrative Services, as and when appropriated by the Legislature, as follows:

~~(1) Eight hundred thousand dollars for the erection and equipping of a laboratory building to be located on real estate owned by the State of Nebraska, north of the State Penitentiary near the northwest corner of Fourteenth and Stockwell Streets in the city of Lincoln; and~~

~~(2) The balance to be used for the costs and payments to be made by the State of Nebraska to the city of Lincoln for the use by the state of such building or facility or portion thereof, as described in section 72-716.03~~ 26 of this act, and equipping the same.

Sec. 26. That section 72-716.03, Revised Statutes Supplement, 1973, be amended to read as follows:

~~72-716.03:~~ The ~~administrator~~, after considering any recommendations of the State Building Advisory Commission, shall cause plans, working drawings, and specifications to be prepared or existing plans revised for building a state office building ready for tenant improvements, to be located on block 91, and for providing parking facilities on the north half of block 92, and the north half of block 96, all in the original plat of Lincoln, Nebraska. The ~~commission administrator~~ may employ a ~~director~~, architects, and drafter for the preparation or revision of such plans, working drawings, and specifications, and may contract in the name of the State of Nebraska for the securing of the services of such persons. The ~~commission administrator~~ shall adopt plans to provide sufficient office space for the state beyond 1980. Such plans for space shall be made on the basis of the growth history of each agency which is designated to occupy such building. Such building shall be designed so as to provide at least eighty per cent tenant usable space of the gross area. Subsequently the ~~commission administrator~~ shall provide for subdivision improvements of the net usable space into offices for

such state agencies as shall be designated as occupants of such building by ~~the commission~~ such administrator and the Legislature. The cost of construction excluding interest on indebtedness of such building and facilities shall not exceed twenty million dollars, plus the amount of investment income received by the State Office Building Fund and by any of the bond or reserve funds established in connection with the city of Lincoln bond issue used to finance such building and facilities.

Sec. 27. The administrator, after considering any recommendations of the State Building Advisory Commission, shall review the proposals of the various agencies and commissions for the naming of state-owned or leased sites or structures. Such 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. 28. That section 72-716.04, Revised Statutes Supplement, 1973, be amended to read as follows:

~~72-716.04:~~ After July, 1, 1974 the State Building-Commission administrator is authorized to enter into an agreement with the city of Lincoln, Nebraska, pursuant to the provisions of sections 72-1401 to 72-1408, providing for the supplying by the city of Lincoln to the State of Nebraska of a state office building to be located on block 91, original plat of Lincoln, Nebraska, and the providing of parking facilities for motor vehicles and related services on the north half of blocks 92 and 96, all in the original plat of Lincoln, Nebraska. ~~The State--Building-Commission administrator~~ The State--Building-Commission administrator is authorized to convey to the city of Lincoln all of the real estate described herein for the purposes described.

Sec. 29. That section 72-718, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-718:~~ It shall be the duty of the State Building Advisory Commission (1) to supervise recommend the repairs and improvements of the capitol building and approve review contracts therefor, and (2) to supervise review the construction, repairs, and improvements of the Governor's Mansion and supervise 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 shall ~~have-and-may-exercise~~ 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 commission 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-76-764-76-724 Charter 76, article 7.

Sec. 30. The Superintendent of Buildings and Grounds and the capital facilities planning bureau, their staff, offices, records, powers, duties, and responsibilities shall be transferred, on the operative date of this act, to the State Building Administrator and reestablished in the state building division within the Department of Administrative Services.

Sec. 31. That section 72-718.07, Revised Statutes Supplement, 1973, be amended to read as follows:

72-746.07: The State---Building---Commission Department of Administrative Services may negotiate for the purchase of an existing building to house the Nebraska Library Commission within the limitation of funds appropriated therefor. If such purchase is made, no space in the new state office building shall be allocated to the Nebraska Library Commission.

Sec. 32. That section 81-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108. The Department of Administrative Services shall fulfill the functions in the administration of state government of fiscal control and of centralizing services. There shall be separate divisions within the department to assist in fulfilling these functions. The divisions shall be the accounting division and the budget division in the area of fiscal control, and shall be the data processing division, materiel division, capital state buildings building division, and the general services division in the area of centralized services. The Director of Administrative Services shall appoint a separate administrator as head of each division. The director shall have the responsibility and authority for directing and coordinating the programs and activities of the several divisions, and shall be empowered to remove the administrators of any of the several divisions at his discretion. The director shall have the power to delegate authority for administration of the provisions of sections 81-1101 to 81-1129 to any of his division heads as he may deem appropriate except as otherwise



provided by law.

Sec. 33. That section 81-1108.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.02. The general services division of the Department of Administrative Services shall be headed by an administrator subject to the supervision of the director. The director may appoint as general services administrator any person who has the education, training, and experience for the management and control of the bureaus of telecommunications services, transportation services, and records and management services, and ~~capital facilities planning~~, which bureaus shall be under the control and supervision of the general services administrator. The compensation of the general services division head, who shall be designated as the general services administrator, shall be fixed by the Director of Administrative Services subject to availability of appropriations.

Sec. 34. That section 81-1108.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1108.06. No state agency or department may~~ contract for the planning, design, or construction of a new ~~facilities facility~~ or major modification or repair of an existing ~~facilities facility~~ provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the Governor and the conditions of the contracts are approved in writing by the Governor; provided, that the provisions of this section shall not apply to projects whose total design and construction cost is less than fifty thousand dollars. Such program statements and contracts shall be reviewed first by the ~~capital facilities planning bureau~~ division. The ~~bureau~~ division shall file a written report on each program statement and contract reviewed with the Governor and the Executive Board of the Legislative Council. This report shall cover the consistency of the project with the agency or department six-year plan for capital construction. A subsequent review and report upon completion of the planning or design phase of the project shall indicate the compatibility of the project with the agency or department six-year plan for capital construction, compare the probable cost of the project with accepted cost standards for similar construction projects, and review the relationship of the project to other state agency or departmental capital facilities in the same complex. The Director of Administrative Services may

delegate the bureau division duties of reviewing contracts and filing of reviews and reports with respect to any state agency or department to one or more persons within such agency or department if he shall find that, in order to achieve compliance with the provisions of sections ~~64-4466-63 to 64-4466-69~~ 34 to 37 of this act, such delegation is in the best interests of the State of Nebraska.

Sec. 35. That section 81-1108.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~64-4466-67:~~ The Director of Administrative Services shall not issue his warrant for final payment for any contract for the construction, reconstruction, remodeling, or repair of any capital facility for any state agency or department unless there is on file in his office the certificate of a professional engineer or architect that, to the best of his knowledge, all work under the contract substantially conforms to the plans and specifications and that the contract has been fully and satisfactorily performed except for the making of the final payment.

Sec. 36. That section 81-1108.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~64-4466-68:~~ No state agency or department shall perform for itself any of the services normally performed by a professional engineer or architect as defined in section 81-840, in the preparation of plans and specifications for the construction, reconstruction, or alteration of any building, or in the inspection and final approval thereof, and no state agency shall employ its own work force for any such construction, reconstruction, or alteration of capital facilities; Provided, that the terms of this section shall not apply to capital construction projects where the total project cost is less than fifty thousand dollars; and provided further, that the terms of this section shall not apply to section 83-134, or to the Department of Roads, nor to any public power district, public power and irrigation district, or metropolitan utilities district. The Director of Administrative Services shall not issue any warrant in payment for any work on a capital construction project unless the state agency or department files a certificate that the provisions of this section have been complied with or unless such project was commenced prior to December 25, 1969.

Sec. 37. That section 81-1108.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1108.09. Nothing in sections 81-1108.09 to 81-1108.09 34 to 37 of this act shall apply to any actions of the legislature in contracting for the planning, design, construction, or leasing of capital facilities for any state use.~~

Sec. 38. The materiel administrator shall have complete control of all furniture and equipment in the capitol, state laboratory, Governor's Mansion, and all other buildings owned or leased by the State of Nebraska, except telephone and telecommunications equipment and equipment and furniture of the legislature and the Supreme Court. The materiel administrator shall keep in his office a complete record containing an itemized account of all state property, including furniture and equipment under his care and control. Such inventory record shall be maintained as a management system to assure efficient utilization of state property with particular emphasis on identification of surpluses. Such system shall be designed so as to provide the materiel administrator with the knowledge of potential surplus property available. The materiel administrator under the authority of the Director of Administrative Services shall have complete control and all powers necessary to assure efficient utilization of state property.

Sec. 39. That section 72-707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~72-707:~~ (1) Each executive, department, commission, or other state agency, including the Supreme Court, the Board of Regents of the University of Nebraska, the State Board of Technical Community Colleges, and the Board of Trustees of the Nebraska State Colleges shall each year make or cause to be made an inventory of all property, including furniture and equipment, belonging to the State of Nebraska and in the possession, custody, or control of any state officer, department, commission, or other state agency. This shall include the executive and other state agencies above mentioned. The inventory shall be completed and filed with the superintendent materiel administrator by January 31 of each year.

(2) If any of the property of the state, referred to in subsection (1) of this section and more particularly described in said subsection, is lost, destroyed, or unaccounted for by the negligence or

carelessness of the officer, department, commission, or other state agency, including the Supreme Court, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges, the superintendent administrator shall, with the advice of the Attorney General, take the proper steps to recover such state property or the reasonable value thereof from the officer or state agency charged with the same and from their bondsmen, if any.

(3) Each executive, department, commission, or other state agency, referred to in subsection (1) or (2) or in both subsections of this section, shall cause to be indelibly tagged, marked, or stamped on all such property belonging to the State of Nebraska, the following: Property of the State of Nebraska; and in the inventory required by the provisions of subsection (1) of this section, each such executive, department, commission, or other state agency shall state positively that each item of such property has been so tagged, marked, or stamped.

Sec. 40. 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; Provided, that no busts or other appropriate objects commemorating the persons chosen shall be placed in the State Capitol except upon the approval of the State Building Advisory Commission; and

(2) To receive and disburse gifts.

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

Sec. 41. That section 72-730, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-730. The State Building Advisory Commission is directed to place a suitable plaque in the capitol building commemorating the persons on the Capitol Commission at the time the capitol was erected.

Sec. 42. That section 81-1120.08, Revised Statutes Supplement, 1973, be amended to read as follows:

81-112C.08. The telecommunications director shall develop a system of equitable billings and charges for telecommunication services provided in any consolidated or joint-use system of telecommunications. Such system of charges shall reflect, as nearly as may be practical, the actual share of costs incurred on behalf of or for services to each department, agency, or political subdivision provided services from the State Telecommunications System plus not to exceed five per cent. Using agencies shall pay for such services out of appropriated or available funds. All payments shall be deposited in the Telecommunications Cash Fund. Any money in the Telecommunications Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259. All collections for payment of telephone expenses shall be placed in the Telephone Expense Revolving Fund which is hereby created. Expenditures shall be made from the Telephone Expense Revolving Fund for the payment of telephone expenses subject to appropriations by the legislature. Such payment shall be made by the telecommunications director.

Sec. 43. This act shall become operative on July 1, 1974.

Sec. 44. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 45. That original sections 72-701.08, 72-706, 72-706.01, 72-707, 72-708, 72-709, 72-709.02, 72-710, 72-710.03, 72-711, 72-712, 72-716, 72-718, 72-729, 72-730, 81-1108, 81-1108.02, 81-1108.04, 81-1108.06, 81-1108.07, 81-1108.08, and 81-1108.09, Reissue Revised Statutes of Nebraska, 1943, and sections 72-710.01, 72-710.02, 72-716.01, 72-716.02, 72-716.03, 72-716.04, 72-718.07, and 81-1120.08, Revised Statutes Supplement, 1973, and also sections 72-709.01, 72-717, 81-1108.03, 81-1108.05, and 81-1120, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 46. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.