

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 761**

Introduced by Heidemann, 1.

Read first time January 04, 2012

Committee: Executive Board

A BILL

1 FOR AN ACT relating to state government; to amend sections 81-176 and  
2 81-1108.33, Revised Statutes Supplement, 2011; to change  
3 provisions relating to the requirements for certain  
4 acquisitions of real property, structures, or  
5 improvements; to repeal the original sections; and to  
6 declare an emergency.

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

1           Section 1. Section 81-176, Revised Statutes Supplement,  
2    2011, is amended to read:

3           81-176 The task force shall conduct a review of the  
4    plans, specifications, and other construction and repair documents  
5    and ongoing maintenance requirements for real property, structures,  
6    or improvements that may be proposed to be made available to any  
7    state agency, board, or commission by means of gift, bequest, or  
8    devise and any acquisition of real property, or structures, or  
9    ~~improvements by any state agency, board, or commission with the~~  
10   proceeds of a ~~donation, gift, bequest, devise, and grant from an~~  
11   ~~individual, an organization, a corporation, a foundation, or a~~  
12   ~~similar entity or from a nonfederal governmental agency donations,~~  
13   ~~gifts, bequests, devises, or grants from individuals, organizations,~~  
14   ~~corporations, foundations, or similar entities or from nonfederal~~  
15   ~~governmental agencies, if the combined proceeds of such donations,~~  
16   ~~gifts, bequests, devises, or grants exceed two hundred fifty thousand~~  
17   dollars, pursuant to section 81-1108.33. The task force shall submit  
18   a report of its findings and recommendations to the Committee on  
19   Building Maintenance.

20           Sec. 2. Section 81-1108.33, Revised Statutes Supplement,  
21    2011, is amended to read:

22           81-1108.33 (1) It is the intent of the Legislature that  
23    the state will not assume responsibility for the substandard  
24    construction, repair, or maintenance of, or for the excessive  
25    maintenance or repair costs for, real property, structures, or

1 improvements which will be made available by gift, bequest, or devise  
2 to any state agency, board, or commission or real property or  
3 structures acquired by any state agency, board, or commission with  
4 the proceeds of donations, gifts, bequests, devises, or grants from  
5 ~~an individual, an organization, a corporation, a foundation, or a~~  
6 ~~similar entity or from a nonfederal governmental agency by any state~~  
7 ~~agency, board, or commission.~~ individuals, organizations,  
8 corporations, foundations, or similar entities or from nonfederal  
9 governmental agencies. Therefor, ~~prior to any construction, repair,~~  
10 ~~or maintenance work on such real property, structure, or improvement,~~  
11 ~~the state building division and the Task Force for Building Renewal~~  
12 ~~shall review the plans, specifications, other construction or repair~~  
13 ~~documents, and potential maintenance requirements~~ any such gift,  
14 bequest, devise, or acquisition of such real property, structure, or  
15 improvement shall be reviewed and approved as provided in this  
16 section as a requirement for acceptance or acquisition by the state  
17 of such real property, structure, or improvement.

18 (2)(a) Any gift of, bequest of, or devise of real  
19 property, a structure, or an improvement proposed to be made  
20 available to any state agency, board, or commission and any  
21 acquisition of real property, ~~a structure, or an improvement or~~  
22 structures with the proceeds of ~~a donation, gift, bequest, devise, or~~  
23 ~~grant from an individual, an organization, a corporation, a~~  
24 ~~foundation, or a similar entity or from a nonfederal governmental~~  
25 ~~agency~~ donations, gifts, bequests, devises, or grants from

1 individuals, organizations, corporations, foundations, or similar  
2 entities or from nonfederal governmental agencies, if the combined  
3 proceeds of such donations, gifts, bequests, devises, or grants  
4 exceed two hundred fifty thousand dollars, shall be reviewed by the  
5 state building division and the Task Force for Building Renewal  
6 pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review  
7 shall include any potential matching of state funds, any plans,  
8 specifications, and other construction or repair documents, ~~reviewed~~  
9 ~~pursuant to subsection (1) of this section,~~ and any potential  
10 maintenance requirements as a condition of acceptance or acquisition.  
11 Subsequent to such review, the state building division and the task  
12 force shall submit a report to the Governor, the Committee on  
13 Building Maintenance, and the Legislative Fiscal Analyst including a  
14 summary of the review of the plans, specifications, and other  
15 construction or repair documents and potential maintenance  
16 requirements and outlining the terms and conditions of the proposed  
17 gift, bequest, devise, or acquisition along with its recommendation.

18 (b)(i) Any proposed gift of, bequest of, or devise of  
19 real property, a structure, or an improvement in excess of ten  
20 thousand dollars shall be approved by the Governor and the  
21 Legislature prior to acceptance.

22 (ii) ~~Any and any~~ acquisition of real property, ~~a~~  
23 ~~structure, or an improvement~~ or structures with the proceeds of a  
24 ~~donation, gift, bequest, devise, or grant from an individual, an~~  
25 ~~organization, a corporation, a foundation, or a similar entity or~~

1 ~~from a nonfederal governmental agency donations, gifts, bequests,~~  
2 ~~devises, or grants from individuals, organizations, corporations,~~  
3 ~~foundations, or similar entities or from nonfederal governmental~~  
4 ~~agencies, if the combined proceeds of such donations, gifts,~~  
5 ~~bequests, devises, or grants exceed two hundred fifty thousand~~  
6 ~~dollars, shall be approved by the Governor and Legislature prior to~~  
7 such acquisition.

8           (iii) If the Legislature is not in session, the Executive  
9 Board of the Legislative Council, after recommendation by the  
10 Committee on Building Maintenance, may approve such gift, bequest,  
11 devise, or acquisition along with the Governor.

12           (c) No construction, repair, maintenance, or other work  
13 related to the proposed gift, bequest, devise, or acquisition shall  
14 be initiated prior to receiving the review and approval required by  
15 this section.

16           (3) For purposes of this section, gift of, bequest of, or  
17 devise of (a) real property, (b) a structure, or (c) an improvement  
18 shall include, but not be limited to, a donation of, gift of, bequest  
19 of, devise of, or grant of (i) real property, (ii) a structure, or  
20 (iii) an improvement from an individual, an organization, a  
21 corporation, a foundation, or a similar entity or from a nonfederal  
22 governmental agency. For purposes of this section, gift, bequest, or  
23 devise shall not include a donation, gift, bequest, devise, or grant  
24 of tangible or intangible personal property.

25           (4) This section shall not apply to the University of

1 Nebraska or any Nebraska state college, since these agencies are  
2 subject to and participate in statewide facilities planning developed  
3 by the Coordinating Commission for Postsecondary Education pursuant  
4 to the Coordinating Commission for Postsecondary Education Act.

5           Sec. 3. Original sections 81-176 and 81-1108.33, Revised  
6 Statutes Supplement, 2011, are repealed.

7           Sec. 4. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.