

E & R AMENDMENTS TO LB 1038

Introduced by Enrollment and Review Committee: Flood, 19,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. (1) As a condition of approval, a lease or  
4 agreement the purpose of which is to allow an entity other than a  
5 state agency to provide improvements or structures in excess of one  
6 hundred fifty thousand dollars on the Nebraska State Fairgrounds  
7 property shall be reviewed by the state building division and  
8 the Task Force for Building Renewal pursuant to sections 81-176,  
9 81-1108.15, and 81-1114. Such review shall include review of the  
10 lease, agreement, plans, specifications, other construction or  
11 repair documents, potential maintenance requirements, all financing  
12 plans, and any other document deemed necessary by the state  
13 building division or Task Force for Building Renewal as a  
14 requirement for approval of such lease or agreement. Subsequent to  
15 such review, the state building division and the task force shall  
16 submit a report to the Nebraska State Fair Board, the Governor,  
17 the Committee on Building Maintenance of the Legislature, and the  
18 Legislative Fiscal Analyst, including a summary of the review,  
19 an outline of the terms and conditions of the proposed lease or  
20 agreement, and a recommendation for approval or disapproval of  
21 the lease or agreement. Such proposed lease or agreement shall  
22 be approved by the Nebraska State Fair Board, the Governor, and  
23 the Legislature prior to execution. If the Legislature is not in

1 session, the Executive Board of the Legislative Council shall act  
2 for the Legislature.

3 (2) No construction or other work related to proposed  
4 improvements or structures requiring approval under this section  
5 shall be initiated prior to receiving such approval. This section  
6 shall not apply to a lease or agreement executed prior to the  
7 effective date of this act. This section shall apply to an  
8 amendment of a lease or an agreement if the amendment is executed  
9 after the effective date of this act and the amendment includes  
10 improvements or structures in excess of one hundred fifty thousand  
11 dollars.

12 Sec. 2. Section 81-1108.33, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 81-1108.33 (1) It is the intent of the Legislature  
15 that the state will not assume responsibility for the substandard  
16 construction, repair, or maintenance of, or for the excessive  
17 maintenance or repair costs for, real property, structures, or  
18 improvements which will be made available by gift, bequest,  
19 or devise to any state agency, board, or commission. Therefor,  
20 prior to any construction, repair, or maintenance work on such  
21 real property, structure, or improvement, the state building  
22 division and the Task Force for Building Renewal shall review the  
23 plans, specifications, other construction or repair documents, and  
24 potential maintenance requirements as a requirement for acceptance  
25 by the state of such real property, structure, or improvement.

26 (2) (a) Any gift of, bequest of, or devise of (i) real  
27 property, (ii) a structure, or (iii) an improvement proposed to

1 be made available to any state agency, board, or commission shall  
2 be reviewed by the state building division and the Task Force  
3 for Building Renewal pursuant to sections 81-176, 81-1108.15,  
4 and 81-1114. Such review shall include any potential matching of  
5 state funds, any plans, specifications, and other construction  
6 or repair documents reviewed pursuant to subsection (1) of  
7 this section, and any potential maintenance requirements as a  
8 condition of acceptance. Subsequent to such review, the state  
9 building division and the task force shall submit a report to  
10 the Governor, the Committee on Building Maintenance, and the  
11 Legislative Fiscal Analyst including a summary of the review of the  
12 plans, specifications, and other construction or repair documents  
13 and potential maintenance requirements and outlining the terms and  
14 conditions of the proposed gift, bequest, or devise along with its  
15 recommendation.

16 (b) Any proposed gift of, bequest of, or devise of  
17 (i) real property, (ii) a structure, or (iii) an improvement in  
18 excess of ten thousand dollars shall be approved by the Governor  
19 and the Legislature prior to acceptance. If the Legislature is  
20 not in session, the Executive Board of the Legislative Council,  
21 after recommendation by the Committee on Building Maintenance, may  
22 approve such gift, bequest, or devise along with the Governor.

23 (c) No construction or other work related to the proposed  
24 gift, bequest, or devise shall be initiated prior to receiving the  
25 approval required by this section.

26 (3) For purposes of this section, gift of, bequest of,  
27 or devise of (a) real property, (b) a structure, or (c) an

1 improvement shall include, but not be limited to, a donation of,  
2 gift of, bequest of, devise of, or grant of (i) real property,  
3 (ii) a structure, or (iii) an improvement from an individual, an  
4 organization, a corporation, a foundation, or a similar entity  
5 or from a nonfederal governmental agency. For purposes of this  
6 section, gift, bequest, or devise shall not include a donation,  
7 gift, bequest, devise, or grant of tangible or intangible personal  
8 property.

9 (4) This section shall not apply to (a) the University  
10 of Nebraska or any Nebraska state college, since these agencies  
11 are subject to and participate in statewide facilities planning  
12 developed by the Coordinating Commission for Postsecondary  
13 Education pursuant to the Coordinating Commission for Postsecondary  
14 Education Act or (b) improvements or structures on Nebraska State  
15 Fairgrounds property reviewed and approved pursuant to section 1  
16 of this act.

17 Sec. 3. Original section 81-1108.33, Reissue Revised  
18 Statutes of Nebraska, is repealed.

19 2. On page 1, strike lines 2 through 4 and insert  
20 "section 81-1108.33, Reissue Revised Statutes of Nebraska; to  
21 provide for review and approval of certain leases and agreements;  
22 to harmonize provisions; and to repeal the original section."