

LEGISLATIVE BILL 761

Approved by the Governor April 10, 2012

Introduced by Heidemann, 1.

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

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

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

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

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

81-1108.33 (1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest, or devise to any state agency, board, or commission or real property or structures acquired by any state agency, board, or commission with the proceeds of donations, gifts, bequests, devises, or grants from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency by any state agency, board, or commission. individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies. Therefor, prior to any construction, repair, or maintenance work on such real property, structure, or improvement, the state building division and the Task Force for Building Renewal shall review the plans, specifications, other construction or repair documents, and potential maintenance requirements any such gift, bequest, devise, or acquisition of such real property, structure, or improvement shall be reviewed and approved as provided in this section as a requirement for acceptance or acquisition by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of real property, a structure, or an improvement proposed to be made available to any state agency, board, or commission in excess of ten thousand dollars and any acquisition of real property, a structure, or an improvement or structures with the proceeds of a donation, gift, bequest, devise, or grant from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency donations, gifts, bequests, devises, or grants from individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies, if the combined proceeds of such donations, gifts, bequests, devises, or grants exceed two hundred fifty thousand dollars, shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents, reviewed pursuant to subsection (1) of this section, and any potential maintenance requirements as a condition of acceptance or acquisition. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, devise, or acquisition along with

its recommendation.

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

(ii) Any and any acquisition of real property, a structure, or an improvement or structures with the proceeds of a donation, gift, bequest, devise, or grant from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency donations, gifts, bequests, devises, or grants from individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies, if the combined proceeds of such donations, gifts, bequests, devises, or grants exceed two hundred fifty thousand dollars, shall be approved by the Governor and Legislature prior to such acquisition.

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

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

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

(4) This section shall not apply to the University of Nebraska or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

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

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