

LEGISLATIVE BILL 1143

Passed over the Governor's veto April 8, 1988.

Introduced by Building Maintenance Committee,
Higgins, 9, Chairperson; L. Johnson,
15; Warner, 25; Campbell, 22, Korshoj,
16; Peterson, 21

AN ACT relating to state buildings; to define a term; to create the Vacant Building Committee; to provide powers and duties; to provide for the sale, lease, disposal, and maintenance of vacant state-owned buildings; to create a fund; to provide exceptions as prescribed; to authorize the Department of Economic Development to convey or lease certain real estate as prescribed; and to declare an emergency.

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

Section 1. For purposes of sections 1 to 7 of this act, unless the context otherwise requires, vacant shall mean (1) unoccupied, (2) unused by any state agency for the purposes for which the building was designed, intended, or remodeled, and (3) without current defined plans by any state agency for its use for the next two years.

Sec. 2. The Vacant Building Committee is hereby created. The committee shall be composed of the Director of Administrative Services and the administrator-consultant of the Task Force for Building Renewal created pursuant to section 81-174. When reviewing and considering action to be taken in regard to a particular building, the committee shall also include a representative of the state agency responsible for the building.

Sec. 3. Each state agency shall by September 1 of each year submit to the State Building Administrator a list of all state-owned buildings and land parcels for which it is responsible and shall note the current and planned uses of each building and parcel. The State Building Administrator shall compile the information on state-owned buildings and provide it, along with any other information or recommendations he or she may consider relevant to the purposes of sections 1 to 7 of this act, to the Vacant Building Committee and to the Legislative Fiscal Analyst by October 1 of each

year. The Vacant Building Committee shall meet within sixty days of receiving the information to review the information and consider further action or possible amendments to orders made pursuant to this section. If the committee determines that there is reason to believe that any particular state-owned building is vacant, the committee, including the representative of the state agency responsible for the building, shall review the status of the building and by majority vote determine whether it should be declared vacant. If the committee declares a building to be vacant, it shall order either maintenance of the building by the state building division of the Department of Administrative Services or the disposal of the building through sale, lease, demolition, or otherwise. Any order for disposal of a vacant building may include related lands. In determining the appropriate action to be taken in regard to a vacant building, the committee shall consider the benefits to the state of the alternative possible actions, including cost effectiveness, other possible future uses of the building for state purposes, and the necessity or utility of the building for the furtherance of existing or planned state programs.

Sec. 4. When a building is declared vacant by the Vacant Building Committee, the committee shall certify to the Director of Administrative Services its determination and order in regard to the building and related lands. All responsibilities for and records of ownership of the building and related lands and all records of maintenance of the building shall be transferred as soon as possible to the Department of Administrative Services. The director shall immediately refer the matter to the appropriate division in the department for implementation of the order of the committee, except that if the order includes the sale of any land as an appropriate action, the director shall also seek immediate introduction of a bill in the next regular session of the Legislature to authorize the sale of the land. No land shall be sold unless the sale is authorized by the Legislature. The director may, at the expense of the state agency formerly responsible for the building, remove or order the agency to remove any movable property not attached to the building.

Sec. 5. (1) The materiel division of the Department of Administrative Services shall be responsible for the sale, lease, or other disposal of the building, whichever is determined to be the appropriate action by the Vacant Building Committee.

(a) If the building is to be demolished,

section 72-810 shall not apply but the materiel division shall notify the state historical preservation officer of such demolition at least thirty days prior to the beginning of the demolition or disassembly so that the state historical preservation officer may collect any photographic or other evidence he or she may find of historic value.

(b) If the building is to be sold or leased, the materiel division shall cause an appraisal to be made of the building and related lands. The sale, lease, or other disposal of the building and related lands shall comply with all relevant statutes pertaining to the sale or lease of surplus state property, except that if the materiel division fails to receive an offer from a state agency in which the agency certifies that it intends to use the building for the purposes for which it was designed, intended, or remodeled or to remodel the building for uses which will serve the agency's purposes, the materiel division shall then notify the Department of Economic Development that the property is available for sale or lease so that the Department of Economic Development may refer to the materiel division any potential buyers or lessees of which the department may be aware. The materiel division may then sell or lease the property for at least its appraised price by such method as is to the best advantage of the State of Nebraska, including auction, sealed bid, private sale, or public sale. The materiel division may use the services of a real estate broker licensed under the Nebraska Real Estate License Act. Priority shall be given to other political subdivisions of state government and then to referrals from the Department of Economic Development. All sales and leases shall be in the name of the State of Nebraska. The materiel division may, upon the advice of the state building division, provide that a deed of sale include restrictions on the property to ensure that the use and appearance of the property remain compatible with any adjacent state-owned property.

The proceeds of the sale or lease shall be deposited with the State Treasurer and credited to the Vacant Building Fund unless the state agency formerly responsible for the building certifies to the materiel division that the property was purchased in part or in total from either cash accounts or federal funds or from a percentage of such accounts or funds, in which event, after the costs of selling or leasing the property are deducted from the proceeds of the sale or lease and such amount is credited to the Vacant Building Fund, the

remaining proceeds of the sale shall be credited to the cash or federal account in the percentage used in originally purchasing the property.

(2) The state building division of the Department of Administrative Services shall be responsible for the maintenance of the building if maintenance is determined to be the appropriate action by the committee and shall be responsible for maintenance of the building pending sale or lease of the building. The state agency formerly responsible for the building shall continue to be responsible for the maintenance of the related land of the building.

Sec. 6. The Vacant Building Fund is hereby created. The Department of Administrative Services shall administer the Vacant Building Fund which shall be used to pay for the maintenance of vacant state buildings and for expenses related to the disposal of vacant state buildings and related lands referred to the Department of Administrative Services by the Vacant Building Committee pursuant to sections 1 to 7 of this act. The Vacant Building Fund shall consist of appropriations made to the fund and proceeds credited to the fund pursuant to section 5 of this act. Such funds shall be accounted for in a separate program within the Department of Administrative Services. Funds may be transferred from the Vacant Building Fund to the General Fund at the direction of the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. If there are insufficient funds in the Vacant Building Fund to enable the department to fully implement the orders of the Vacant Building Committee issued pursuant to sections 1 to 7 of this act, the department shall implement them in the order which most efficiently meets the purposes of such sections. Funds appropriated to the Task Force for Building Renewal shall not be used to carry out any of the purposes of such sections (1) unless the building would otherwise qualify for the use of such funds pursuant to the Deferred Building Renewal Act and (2) except for any expenses incurred by the administrator-consultant of the Task Force for Building Renewal in fulfilling his or her duties under such sections.

Sec. 7. Sections 1 to 7 of this act shall apply to every state agency except the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, and the Board of Educational Lands and Funds, except that any such agency may elect to include

under such sections any building and related lands for which it has responsibility.

Sec. 8. The Department of Economic Development is authorized, upon written approval of the Governor, to sell, lease, or otherwise convey the following described real estate: All of lots 4 thru 15, block 6, Murray's Addition to Okahoma, an addition to the city of Omaha, in section 34, township 15 north, range 13 east of the 6th P.M.; Douglas County, Nebraska, together with the easterly part of lots 16 and 17 more particularly described as follows: Beginning at the southeast corner of lot 16 thence one hundred thirty-four feet to the northeast corner of lot 17; thence east sixty-two and eight-tenths feet; thence southwesterly to a point thirty-eight and nine-tenths feet east of the southwest corner of lot 17; thence southwesterly to a point eight and six-tenths feet east of the southwest corner of lot 16; thence east to the point of beginning; together with the easterly part of lot 19 more particularly described as follows: Beginning at the southeast corner of said lot 19; thence north fifty and eight-tenths feet; thence southwesterly sixty and three-tenths feet to a point thirty-two and one-half feet west of the said southeast corner; thence east thirty-two and one-half feet to the point of beginning. Together with the following described parts of lots 9 thru 16, block 5, said Murray's Addition: Beginning at the southwest corner of lot 9; said block 5; thence north seventy-five feet; thence southeasterly to a point on the east line of said lot 9, fifty-five feet north of the southeast corner of said lot 9 then southeasterly to a point on the east line of lot 11; said block 5 said point being twenty-seven feet north of the southeast corner of said lot 11, thence east to a point on the east line of lot 12; said block 5, said point being twenty-seven feet north of the southeast corner of said lot 12; thence northeasterly to a point on the east line of lot 13; said block 5; said point being forty feet north of the southeast corner of said lot 13; thence northeasterly to a point on the east line of lot 14; said block 5; said point being sixty feet north of the southeast corner of said lot 14; thence northeasterly to a point on the east line of lot 16; said block 5, said point being one hundred twenty-nine feet north of the southeast corner of said lot 16; thence south to the southeast corner of said lot 16; thence west to the southwest corner of said lot 9. Together with the streets and alleys lying between the above described lots; commonly referred to as the

Nebraska Omaha Travel Information Center. If the real estate is leased, such lease may contain an option to purchase the property at a value in the best interests of the state to be determined by the department. Proceeds of the sale or lease shall be deposited in the appropriate fund in the same manner as proceeds are deposited in section 81-161.04 and used for the purposes set forth for the fund.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.