

## LEGISLATIVE BILL 1038

Approved by the Governor April 12, 2006

Introduced by Schimek, 27

AN ACT relating to the Nebraska State Fairgrounds; to amend section 81-1108.33, Reissue Revised Statutes of Nebraska; to provide for review and approval of certain leases and agreements; to harmonize provisions; and to repeal the original section.

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

Section 1. (1) As a condition of approval, a lease or agreement the purpose of which is to allow an entity other than a state agency to provide improvements or structures in excess of one hundred fifty thousand dollars on the Nebraska State Fairgrounds property 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 review of the lease, agreement, plans, specifications, other construction or repair documents, potential maintenance requirements, all financing plans, and any other document deemed necessary by the state building division or Task Force for Building Renewal as a requirement for approval of such lease or agreement. Subsequent to such review, the state building division and the task force shall submit a report to the Nebraska State Fair Board, the Governor, the Committee on Building Maintenance of the Legislature, and the Legislative Fiscal Analyst, including a summary of the review, an outline of the terms and conditions of the proposed lease or agreement, and a recommendation for approval or disapproval of the lease or agreement. Such proposed lease or agreement shall be approved by the Nebraska State Fair Board, the Governor, and the Legislature prior to execution. If the Legislature is not in session, the Executive Board of the Legislative Council shall act for the Legislature.

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

Sec. 2. Section 81-1108.33, Reissue Revised Statutes of Nebraska, 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. Therefore, 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 as a requirement for acceptance by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission 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. 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, or devise along with its recommendation.

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

(c) No construction or other work related to the proposed gift,

bequest, or devise shall be initiated prior to receiving the 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 (a) 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 or (b) improvements or structures on Nebraska State Fairgrounds property reviewed and approved pursuant to section 1 of this act.

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