

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 13

Introduced by Krist, 10.

Read first time January 05, 2017

Committee:

1 A BILL FOR AN ACT relating to state government; to amend sections
2 60-1404, 72-723, 72-2210, 72-2213, 80-401.11, 81-1108.36, and
3 81-1108.38, Reissue Revised Statutes of Nebraska, and section 3-106,
4 Revised Statutes Cumulative Supplement, 2016; to change provisions
5 regarding office space and state property; to provide and change
6 duties for the Nebraska Capitol Commission and the Office of the
7 Nebraska Capitol Commission; to harmonize provisions; and to repeal
8 the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-106, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 3-106 (1) ~~The department Suitable offices shall be provided for the~~
4 ~~department in the State Capitol. It~~ may maintain offices at such other
5 places in the state as it may designate subject to subsection (2) of
6 section 81-1108.22 and may incur the necessary expense for office rent,
7 furniture, stationery, printing, and other incidental or necessary
8 expenses for the enforcement of the State Aeronautics Department Act and
9 the general promotion of aeronautics within the state.

10 (2) The department may purchase aircraft for the use of state
11 government and may sell any state aircraft that is not needed or suitable
12 for state uses. State aircraft shall be subject at all times to the
13 written orders of the Governor for use and service in any branch of the
14 state government. The department shall establish an hourly rate for use
15 of a state aircraft by a state official or agency. The hourly rate shall
16 not include an amount to recover the cost of acquisition by purchase, but
17 shall include amounts for items such as variable fuel and oil costs,
18 routine maintenance costs, landing fees, and preventive maintenance
19 reserves.

20 (3) The department may employ such clerical and other employees and
21 assistants as it may deem necessary for the proper transaction of its
22 business.

23 (4) It is the intent of the Legislature that the use of state-owned,
24 chartered, or rented aircraft by the department shall be for the sole
25 purpose of state business. The department shall electronically file with
26 the Clerk of the Legislature a quarterly report on the department's use
27 of all state-owned, chartered, or rented aircraft that includes the
28 following information for each trip: The name of the agency or other
29 entity traveling; the name of each individual passenger; all purposes of
30 the trip; the destination and intermediate stops; the miles flown; and
31 the duration of the trip.

1 Sec. 2. Section 60-1404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-1404 (1) The board shall have the authority to employ an
4 executive director. The executive director ~~who~~ shall direct and
5 administer the affairs of the board and ~~who~~ shall keep a record of all
6 proceedings, transactions, communications, and official acts of the
7 board. He or she shall be custodian of all records of the board and
8 perform such other duties as the board may require.

9 (2) The executive director shall call a meeting of the board at the
10 direction of the chairperson thereof or upon a written request of two or
11 more members thereof.

12 (3) The executive director, with the approval of the board, is
13 authorized to employ an attorney at a minimum salary of six hundred
14 dollars per month together with such other employees, including staff for
15 its attorney, as may be necessary to properly carry out the Motor Vehicle
16 Industry Regulation Act, to fix the salaries of such employees, and to
17 make such other expenditures as are necessary to properly carry out the
18 act.

19 (4) The office of the board shall be maintained in ~~the State Capitol~~
20 ~~at Lincoln,~~ and all files, records, and property of the board shall at
21 all times be and remain at the office. The executive director, with the
22 approval of the board, may make expenditures for rent for office space
23 subject to subsection (2) of section 81-1108.22 ~~therein.~~

24 (5) The executive director shall be the board's representative in
25 the administration of the act, and he or she shall insure that the
26 policies and directives of the board are carried out.

27 Sec. 3. Section 72-723, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 72-723 All monuments and memorials ~~now fixed to~~ or in the building
30 ~~or the grounds of~~ the State Capitol or on the capitol grounds shall be
31 regarded as permanent fixtures, and shall not be established or removed

1 without approval by the Nebraska Capitol Commission and the consent of
2 the Legislature, except that the Nebraska Hall of Fame Commission may
3 establish monuments and memorials in the Nebraska Hall of Fame as
4 provided in sections 72-724 to 72-729.01.

5 Sec. 4. Section 72-2210, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 72-2210 (1) The office shall have the primary functions and
8 responsibilities of facilities planning, facilities construction, and
9 facilities administration for the State Capitol and capitol grounds and
10 may adopt and promulgate rules and regulations to carry out the
11 ~~provisions of this section and subsection (1) of section 81-1108.38.~~

12 (2) Facilities planning includes the following responsibilities and
13 duties:

14 (a) To maintain utilization records of the State Capitol and capitol
15 grounds;

16 (b) To define and review program statements based on space
17 utilization standards;

18 (c) To prepare and review planning and construction documents;

19 (d) To develop and maintain time-cost schedules for capital
20 construction projects;

21 (e) To prepare annually a long-range plan for the commission,
22 listing the maintenance needed for the interior and exterior of the State
23 Capitol; and

24 (f) To assist the commission, the budget division of the Department
25 of Administrative Services, and the Legislative Fiscal Analyst in
26 preparing budget recommendations.

27 (3) Facilities construction includes the following powers and
28 duties:

29 (a) To maintain close contact with and inspections of each project
30 for the State Capitol and capitol grounds so as to assure execution of
31 the highest quality work product, time-cost schedules, and efficient

1 contract performance;

2 (b) To perform final acceptance inspections and evaluations; and

3 (c) To coordinate all modifications or change orders and progress
4 payment orders.

5 (4) Facilities administration includes the following powers and
6 duties:

7 (a) To provide or assure adequate administration and preservation
8 maintenance of, repairs to, and custodial duties for the State Capitol
9 and capitol grounds;

10 (b) To be responsible for all maintenance, repairs, and custodial
11 duties necessary to preserve properly and maintain the State Capitol and
12 capitol grounds;

13 (c) To report to the commission quarterly, or as prescribed by the
14 commission, the time-cost data on State Capitol construction projects;

15 (d) To be responsible for parking on the capitol grounds; and

16 (e) To submit to the commission a final report on each State Capitol
17 project. The report shall include, but not be limited to, a comparison of
18 final costs and appropriations made for the project, change orders, and
19 modifications, and a conclusion as to whether the construction complied
20 with the related approved project purpose and program statement. Such
21 report shall be required on all projects costing fifty thousand dollars
22 or more and any other projects designated by the commission.

23 Sec. 5. Section 72-2213, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 72-2213 (1) The office space in the State Capitol or any other state
26 office building occupied by the Governor, Lieutenant Governor, Secretary
27 of State, State Treasurer, Attorney General, Auditor of Public Accounts,
28 or Chief Justice and judges of the Supreme Court and Court of Appeals,
29 including the office of the Clerk of the Supreme Court and courtrooms,
30 shall remain under the control of such constitutional officer or Chief
31 Justice. The Executive Board of the Legislative Council shall determine

1 its office space requirements in the State Capitol and may occupy such
2 office space as it requires except as provided in this subsection.

3 (2) After the determination by the Executive Board of the
4 Legislative Council pursuant to subsection (1) of this section, the
5 administrator, with the advice of the commission, shall determine the
6 space needs of all other departments and agencies of the state located in
7 the State Capitol and assign the remaining office space. The
8 determination of such needs shall be based on the following
9 considerations: (a) The availability of space within the State Capitol as
10 provided in this section; (b) the desirability of locating all divisions
11 and other organizational subunits of each department and agency of the
12 state in physical proximity to the office of its head; (c) the degree to
13 which the convenience of the public may be served by assignment of
14 various areas within the State Capitol; (d) the interdependence of
15 functions and operating procedures of the various agencies; (e)
16 applicable standards governing office requirements; and (f) the
17 availability of appropriations with which to finance renovations,
18 remodeling, and movement of equipment necessary to accommodate any
19 proposed assignment or reassignment of area.

20 (3) The office shall have responsibility for provision and
21 replacement of lighting, lighting fixtures, heating, cooling and
22 ventilation, and janitorial, custodial, and all other building services,
23 including care and custody of the State Capitol and capitol grounds, as
24 may now be provided by law.

25 (4) Responsibility for employment and supervision of custodial
26 workers for areas of the State Capitol occupied by the Legislature, the
27 courts, and executive departments and agencies shall be in accordance
28 with such agreements as may be defined by authorized representatives of
29 the three branches. All funds for improvements, remodeling, renovation,
30 partitioning, or replacement of major fixtures, including carpeting,
31 flooring, provision of drapes, lighting fixtures, and lamps, within any

1 area of the State Capitol shall be at the disposal of the administrator.

2 (5) After a recommendation from the commission to name a room or
3 other portion of the State Capitol pursuant to section 81-1108.38, the
4 Legislature shall by resolution reject or approve such recommendation.

5 Sec. 6. Section 80-401.11, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 80-401.11 ~~The Suitable offices shall be provided for the Department~~
8 ~~of Veterans' Affairs in the State Capitol. It~~ may maintain necessary
9 offices at such ~~other~~ places in the state as it may designate subject to
10 subsection (2) of section 81-1108.22 and may incur the necessary expense
11 for office rent, furniture, stationery, printing, and other incidental or
12 necessary expenses. The department ~~It~~ may employ such clerical and other
13 employees and assistants as it may deem necessary for the proper
14 transaction of its business.

15 Sec. 7. Section 81-1108.36, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 81-1108.36 Except when sites or structures are named by statute, the
18 administrator, after considering any recommendations of the Nebraska
19 Capitol Commission if such sites or structures are within the Nebraska
20 State Capitol Environs District as provided in subsection (1) of section
21 81-1108.38, shall review the proposals of the various agencies and
22 commissions for the naming of state-owned or leased sites or structures.
23 Unless otherwise provided by statute, sites or structures shall not be
24 named for citizens who are active elected officials or active employees
25 of the State of Nebraska. Subsequent to review, the proposed name shall
26 be approved by the Governor and the Legislature.

27 Sec. 8. Section 81-1108.38, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1108.38 (1) The Nebraska Capitol Commission may (a) recommend to
30 the Legislature names for rooms or other portions of the State Capitol or
31 the capitol grounds for which names have not been previously established

1 by the Legislature, (b) approve or reject recommendations to name state-
2 owned or leased sites or structures within the Nebraska State Capitol
3 Environs District, and (c) approve or reject recommendations to establish
4 a monument or memorial, except a monument or memorial that is part of the
5 Nebraska Hall of Fame, or to remove a monument or memorial on or in the
6 State Capitol or on the capitol grounds.

7 (2) ~~The (1) It shall be the duty of the Nebraska Capitol Commission~~
8 shall ~~to~~ provide advice to the Office of the Nebraska Capitol Commission
9 ~~in carrying out this section.~~ The office shall (a) establish policies and
10 guidelines for the implementation of the approved Capitol Landscape
11 Restoration Master Plan on and around the capitol grounds, (b)
12 participate with the commission created pursuant to section 90-306 to (i)
13 formulate a landscape restoration plan for all other state-owned property
14 within the Nebraska State Capitol Environs District and (ii) conserve,
15 protect, and enhance the environs and vistas of the State Capitol, ~~and~~
16 (c) review the proposed construction and repairs of buildings in and
17 around the State Capitol and all other state-owned property located
18 within the Nebraska State Capitol Environs District, (d) review requests
19 to name rooms or other portions of the State Capitol or the capitol
20 grounds and make recommendations to the commission, (e) review requests
21 to name state-owned or leased sites or structures within the Nebraska
22 State Capitol Environs District and make recommendations to the
23 commission for approval or rejection, and (f) review requests to
24 establish a monument or memorial, except a monument or memorial that is
25 part of the Nebraska Hall of Fame, or to remove a monument or memorial on
26 or in the State Capitol or the capitol grounds and make recommendations
27 to the commission for approval or rejection.

28 (3) The office, with the advice of the commission ~~Nebraska Capitol~~
29 ~~Commission~~, may adopt and promulgate rules and regulations to carry out
30 this section ~~subsection~~.

31 (4) ~~(2)~~ The Nebraska Capitol Commission ~~commission~~ shall hold

1 meetings on a quarterly basis or as needed. The commission shall meet at
2 least annually with the Nebraska State Capitol Environs Commission to
3 discuss and coordinate projects that may impact the capitol and its
4 environs. The meeting with the Nebraska State Capitol Environs Commission
5 may be held in conjunction with one of the meetings of the Nebraska
6 Capitol Commission required by this subsection.

7 (5) ~~(3)~~ In addition to any other rights and powers conferred upon
8 the Nebraska Capitol Commission ~~commission~~, it shall monitor and advise
9 the State Building Administrator in exercising the power of eminent
10 domain on behalf of the state for the purpose of acquiring sites or
11 buildings for state use within the Nebraska State Capitol Environs
12 District. The administrator may for such purpose take, hold, and condemn
13 for the state any and all necessary property. The procedure to condemn
14 property shall be exercised in the manner set forth in sections 76-701 to
15 76-726.

16 Sec. 9. Original sections 60-1404, 72-723, 72-2210, 72-2213,
17 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of
18 Nebraska, and section 3-106, Revised Statutes Cumulative Supplement,
19 2016, are repealed.