

LEGISLATIVE BILL 604

Approved by the Governor April 16, 1982

Introduced by Cope, 36; Rumery, 42; Fowler, 27

AN ACT to amend sections 81-173, 81-178, 81-180, 81-186, 81-189, 81-191, and 81-191.01, Revised Statutes Supplement, 1980, relating to building maintenance; to redefine terms; to change certain duties of the Task Force for Building Renewal; to change provisions relating to certain plans for building maintenance; to provide for continuation of the task force and certain sections; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 81-173, Revised Statutes Supplement, 1980, be amended to read as follows:

81-173. As used in sections 81-173 to ~~81-191~~ 81-191.01, 85-106, and 85-304, unless the context otherwise requires:

(1) Renewal work shall mean any deferred or preventive maintenance projects that will restore facilities and utility systems as closely as practicable to their original constructed condition as defined by the Task Force for Building Renewal. The standard of quality maintenance shall be set after consideration of the facility users, geographical location, condition, and physical analysis of each building;

(2) Deferred maintenance shall mean any measures taken to correct or repair structural or mechanical defects that would endanger the integrity of a building or its components or allow unwanted penetration of the building by the outdoor elements, or measures taken to correct a waste of energy, including minor repairs, alteration and maintenance painting, cost of materials, hiring of building maintenance personnel, and other necessary expenses for the maintenance of roofs, exterior walls, retaining walls, foundations, flooring, ceilings, partitions, doors, building hardware, windows, plaster, structural ironwork, screens, plumbing, heating and air conditioning equipment, or electrical systems, but excluding decorative finish or furnishing, building additions, or installation of additional summer-winter air conditioning;

(3) Preventive maintenance shall mean any measures taken to maintain the structural or mechanical integrity of a building or its components including those measures listed in subsection subdivision (2) of this section; and

(4) Task force shall mean the Task Force for Building Renewal.

Sec. 2. That section 81-178, Revised Statutes Supplement, 1980, be amended to read as follows:

81-178. The report required by section 81-177 shall classify work items by urgency of need using three classes defined as follows:

Class I - items for immediate action to provide safety and protection against costly damage;

Class II - items of imperative need to correct problems that if neglected will quickly deteriorate further into Class I items that must be done to provide efficient use of the facility or system; and

Class III - additional items necessary to fully renew the facility or system.

The task force shall recommend to the Governor the classification of projects and priorities to be established for grants within the classifications. The Governor shall make such classification of projects and establish such priorities as shall be best calculated to achieve the purposes of sections 81-173 to 81-190. Any energy conservation project shall be assigned a priority of Class II or higher. ~~The task force shall also review the list of projects needed to accommodate persons with handicaps and present to the Clerk of the Legislature and the Governor a plan for the removal of barriers to the handicapped. Each member of the Legislature shall receive a copy of such plan by making a request for it to the administrator consultant of the task force.~~

Sec. 3. That section 81-180, Revised Statutes Supplement, 1980, be amended to read as follows:

81-180. The Building Renewal Allocation Fund shall only be expended for the purpose of building renewal work except as otherwise provided. Each agency shall be allocated funds as directed by the Governor using the system of priorities established in section 81-178. In the making of allocations from such fund, the Governor shall follow a policy that first considers the use of private enterprise services for deferred

maintenance projects while using state employees primarily for the performance of preventive maintenance. When such preventive maintenance is of a nature that only occasional highly technical attention is scheduled, primary consideration shall be given to using contractual services. The task force shall review all such contracts for such services from private enterprises.

Sec. 4. That section 81-186, Revised Statutes Supplement, 1980, be amended to read as follows:

81-186. Such Committee on Building Maintenance shall meet as necessary, but not less than four times annually, to monitor the activities required of the task force and the agencies, boards, and commissions who are responsible for the state buildings. Such committee shall study progress and propose any necessary legislation to assure that the building assets of the state are protected through proper maintenance. The committee shall be terminated at the final adjournment of the 1982 1985 session of the Legislature.

Sec. 5. That section 81-189, Revised Statutes Supplement, 1980, be amended to read as follows:

81-189. On or before June 30, 1982 1985, the Governor shall cause a transition of activities in deferred and preventive maintenance back to each agency responsible for state-owned structures.

Sec. 6. That section 81-191, Revised Statutes Supplement, 1980, be amended to read as follows:

81-191. Sections 81-173 to 81-190 shall expire on July 1, 1982 1985, except as provided in section 81-186.

Sec. 7. That section 81-191.01, Revised Statutes Supplement, 1980, be amended to read as follows:

81-191.01. On or before June 30, ~~1982~~ 1983, each agency shall have prepared and have on file with the task force a plan to provide adequate but not excessive preventive maintenance. The agency ~~may--call--on~~ shall seek the advice of the task force ~~for--assistance~~ in preparing and revising such plan. Agencies shall not be deemed in compliance with this provision until the task force has approved the preventive maintenance plan. Upon approval of such plan, the Governor may, upon recommendation of the task force, allocate funds from the Building Renewal Allocation Fund to initiate the implementation of the plan. ~~Agencies-utilizing-funds--in this-manner--shall--request--funding--directly--from--the~~

~~Legislature--as--soon--as--is---practical---to---continue
preventive-maintenance--measures--consistent--with--their
preventive-maintenance-plan.~~

Sec. 8. That original sections 81-173, 81-178, 81-180, 81-186, 81-189, 81-191, and 81-191.01, Revised Statutes Supplement, 1980, are repealed.

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.