

LEGISLATIVE BILL 530

Approved by the Governor June 7, 1995

Introduced by Lynch, 13; Coordsen, 32; Janssen, 15; Vrtiska, 1; Wehrbein, 2; Cudaback, 36

AN ACT relating to state buildings and grounds; to amend sections 81-179, 81-186, 81-1107, 81-1108.15 to 81-1108.18, 81-1108.20 to 81-1108.23, 81-1108.41, 81-1108.43, 81-1108.54, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, and section 72-803, Revised Statutes Supplement, 1994; to change provisions relating to performance bonds; to provide for development and use of a state comprehensive capital facilities plan; to provide for a committee; to change provisions relating to capital construction; to change provisions relating to the state building division of the Department of Administrative Services and fees charged for services provided by the division; to change provisions relating to space in the State Capitol; to provide for review of gifts, bequests, or devises; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 72-803, Revised Statutes Supplement, 1994, is amended to read:

72-803. (1) The state and any department or agency thereof, subject to the powers of the state building division of the Department of Administrative Services, shall have general charge of the erection of new buildings which are being erected for such department or agency, the repair and improvement of buildings under the control of such department or agency, including fire escapes, and the improvement of grounds under the control of such department or agency.

(2) Buildings and other improvements costing more than fifteen forty thousand dollars shall be (a) constructed under the general charge of the department or agency as provided in subsection (1) of this section and (b) let by contract to the lowest responsible bidder after proper advertisement as set forth in subsection (4) of this section.

(3) The successful bidder at the letting shall enter into a contract with the department or agency, prepared as provided for by subsection (4) of this section, and shall furnish a bond for the faithful performance of his or her contract, except that a performance bond shall not be required for any project which has a total cost of fifteen forty thousand dollars or less unless the department or agency includes a bond requirement in the specifications for the project.

(4) When contracts are to be let by the department or agency as provided in subsection (2) of this section, advertisements shall be published in accordance with rules and regulations adopted and promulgated by the state building division stating that sealed proposals will be received by the department or agency at its office on the date therein stated for the furnishing of materials, the construction of buildings, or the making of repairs or improvements and that plans and specifications can be seen at the office of the department or agency. All bids or proposals shall be accompanied by a certified check or by a bid bond in a sum fixed by the department or agency and payable thereto. All such contracts shall be awarded to the lowest responsible bidder, but the right shall be reserved to reject any and all bids. Whenever any material described in any contract can be obtained from any state institution, the department or agency shall exclude it from such a contract. Upon the awarding of the contract or contracts therefor, the Attorney General shall review the contract or contracts to be entered into by the department or agency and the contracting parties.

Sec. 2. Section 81-179, Reissue Revised Statutes of Nebraska, is amended to read:

81-179. There is hereby created under the control of the Governor, for allocation to building renewal projects of the various agencies, a fund to be known as the Building Renewal Allocation Fund. The fund shall contain the revenue from fees as provided in section 81-1108.17 and 7 to consist of such money as is appropriated by the Legislature. Such appropriation is declared to consist of building renewal funds which shall be kept separate and distinct from the program continuation funds and project construction funds. Separate subfunds, subprograms, projects, or accounts shall be established to separately account for any expenditures on state buildings or facilities to comply with the federal Americans with Disabilities Act of 1990. A minimal

amount of the funds contained in the subfunds, subprograms, projects, or accounts may be used for planning and evaluation of buildings and facilities. The budget division of the Department of Administrative Services may administratively transfer funds to appropriate accounting entities to correctly account for the operating expenditures. A separate fund, cash fund, project, or other account may be administratively established for such purpose. Any money in the Building Renewal Allocation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Section 81-186, Reissue Revised Statutes of Nebraska, is amended to read:

81-186. The 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 and to review the proposed rental charges as provided in sections 81-1108.17 and 81-1108.22. The committee shall study progress and propose any necessary legislation to assure that state-owned buildings are protected through proper maintenance.

Sec. 4. Section 81-1107, Reissue Revised Statutes of Nebraska, is amended to read:

81-1107. The Director of Administrative Services is hereby vested with the duties, powers, and responsibilities involved in:

(1) The preparation of the executive budget and execution of the approved budget except as otherwise provided by law, including a system of periodic allotments for the management and regulation of expenditures and making surveys and studies for the purpose of improving administrative procedures, methods, and organization;

(2) The keeping of general accounts and the adoption and promulgation of appropriate rules, regulations, and administrative orders designed to assure a uniform and effective system of accounts and accounting, the approval of all vouchers, and the preparation and issuance of warrants for all purposes;

(3) The review and approval of financing agreements for the purposes of protecting the credit of the state, insuring the most advantageous terms, providing for proper accounting of financial transactions, complying with the approved budget, and promoting sound financial management;

(4) The operation of such storerooms and warehouses as may be necessary;

(5) The allotment of space in the State Capitol building and other state office buildings to the various departments and agencies according to their needs and the space available except as provided in sections section 81-1108.21; and 81-1108.22;

(6) The supervision of telephone, mailing, messenger, duplicating, central data processing, and other like services adaptable to economical and centralized management;

(7) The planning, review, and preparation of a state capital construction budget; and

(8) The development, maintenance, and operation of a statewide intergovernmental data services system.

The director shall adopt a seal. The director may contract with another state agency to furnish centralized mailing, messenger, duplicating, and printing services in the interest of economy and efficiency in government while retaining ultimate direction and control.

Sec. 5. Section 81-1108.15, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.15. (1) The division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities administration and shall adopt and promulgate rules and regulations to carry out this section.

(2) Facilities planning shall include the following responsibilities and duties:

(a) To maintain utilization records of all state-owned, state-occupied, and vacant facilities;

(b) To coordinate comprehensive capital facilities planning;

(c) To define and review program statements based on space utilization standards;

(d) To prepare or review planning and construction documents;

(e) To develop and maintain time-cost schedules for capital construction projects;

(f) To assist the Governor and the Legislative Fiscal Analyst in the preparation of the capital construction budget recommendations;

(g) To maintain a complete inventory of all state-owned,

state-occupied, and vacant sites and structures and to review the proposals for naming such sites and structures; and

(h) To determine space needs of all state agencies and establish space-allocation standards; and

(i) To cause a state comprehensive capital facilities plan to be developed.

(3) Facilities construction shall include the following powers and duties:

(a) To maintain close contact with and inspections of each project so as to assure execution of time-cost schedules and efficient contract performance if such project's total design and construction cost is more than fifty thousand dollars;

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

(c) To coordinate all change or modification orders and progress payment orders.

(4) Facilities administration shall include the following powers and duties:

(a) To serve as state leasing administrator or agent for all facilities to be leased for use by the state and for all state-owned facilities to be rented to state agencies or other parties subject to section 81-1108.22. The division shall remit the proceeds from any rentals of state-owned facilities to the State Treasurer for credit to the State Building Revolving Fund and the Building Renewal Allocation Fund;

(b) To provide or assure adequate administration, all maintenance, repairs, custodial duties, and security, to and administration for all buildings and grounds owned or leased by the State of Nebraska except as provided in subsection (5) of this section;

~~(c) To procure, manage, and assign office space;~~

(c) To procure and manage office space and assign the remaining office space after the Executive Board of the Legislative Council has made its determination pursuant to subsection (1) of section 81-1108.21;

(d) To be responsible for adequate parking;

~~(e) To perform all maintenance, repairs, and custodial duties necessary to properly maintain the capitol and grounds; Governor's Mansion and grounds; state laboratory and grounds; state parking; and all properties adjacent to the capitol grounds owned or leased by the State of Nebraska;~~

~~(f) To ensure that all state-owned, state-occupied, and vacant facilities are maintained or utilized to their maximum capacity or to dispose of such facilities through lease, sale, or demolition;~~

~~(g) (f) To report monthly time-cost data on projects to the Governor and the Clerk of the Legislature;~~

~~(h) (g) To administer the State Emergency Capital Construction Contingency Fund;~~

~~(i) (h) To submit status reports to the Governor and the Legislative Fiscal Analyst after each quarter of a construction project is completed detailing change orders and expenditures to date. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division; and~~

~~(j) (i) To submit a final report on each project to the Governor and the Legislative Fiscal Analyst. Such report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications and whether the construction complied with the related approved program statement. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division.~~

(5) Subdivisions ~~(a)~~ and ~~(f)~~ of this subsection (4)(a) through (4)(e) of this section shall not apply to (i) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (ii) ~~facilities to be buildings and grounds owned or leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, or~~ (iii) facilities to be leased for nonoffice use by the Department of Roads, (iv) ~~buildings or grounds owned or leased by the Game and Parks Commission if the application of such subdivisions to the buildings or grounds would result in ineligibility for or repayment of federal funding,~~ (v) ~~buildings or grounds of the state park system, state recreation areas, state historical parks, state wildlife management areas, or state recreational trails, or~~ (vi) ~~other buildings or grounds owned or leased by the State of Nebraska which are specifically exempted by the division because the application of such subdivisions would result in the ineligibility for federal funding or would result in hardship on an agency, board, or commission due to other exceptional~~

or unusual circumstances.

(5) (6) Each member of the Legislature shall receive a copy of the reports required by subdivisions (4)(g)7 (4)7 and (4)(f), (h), and (i) of this section by making a request for them to the administrator. The information on such reports shall be submitted to the division by the agency responsible for the project.

Sec. 6. Section 81-1108.16, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.16. (1) The administrator shall review program statements and contracts and file a written report on each program statement and contract reviewed pursuant to the provisions of section 81-1108.41. Such administrator shall file subsequent reviews and reports upon completion of the planning or design phase of the project indicating the compatibility of the project with capital construction plans, probable cost of the project, accepted cost standard, and the relationship of the project to the state comprehensive capital facilities plan and to other agency or departmental capital facilities pursuant to the provisions of section 81-1108.41.

(2) No contract for the leasing of real property shall be awarded without the approval of the Department of Administrative Services, and no such contract shall be awarded if:

(a) There is state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the using agency's needs; or

(b) It has not been arranged through the bidding process provided in rules and regulations adopted by the division. The rules and regulations shall be in accordance with sections 73-101, 81-1108.55, and 81-1108.56 and shall be otherwise consistent with sections 81-145 to 81-162 to the greatest extent possible.

All contracts for purchases or leases shall be open to inspection by the Legislature during normal business hours.

Sec. 7. Section 81-1108.17, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.17. (1) The Department of Administrative Services shall be the custodian of the State Capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15.

(2) To aid in the performance of his or her duties, the Director of Administrative Services shall appoint an administrator. The administrator, under the direction of the director, shall have complete control and all powers necessary to properly maintain the capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15.

(3) The administrator shall have the authority to develop, produce, and provide for free distribution or sale books, brochures, pictures, slides, postcards, and other informational or promotional material concerning the capitol. The administrator shall have control over the money received from the sale of such material and from private or public donations. Such proceeds and donations shall be placed in the Department of Administrative Services Cash Fund, which fund is hereby created, and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition and the production of such promotional materials. Such projects shall be prescribed by the administrator upon the advice of the Nebraska Capitol Commission pursuant to the approved comprehensive capital facilities plan for the capitol building.

(4) The administrator, under the direction of the director, is authorized to lease space or to provide facilities for restaurants, cafeterias, or other services and newsstands for the convenience of state officers and employees in the State Capitol or buildings leased when such space is not needed for public use. Proceeds from the operations and rental of such facilities shall be credited to the State Building Revolving Fund and shall be expended as necessary for the purpose of offsetting the costs of operating and maintaining such facilities. Receipts from public parking charges shall be credited to the Department of Administrative Services Cash Fund and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition.

(5) The administrator, under the direction of the director, is authorized to lease space or to provide facilities for the parking of state officers' and employees' vehicles as well as state-owned vehicles. He or she

is authorized to lease, rent, or permit for use as apartments, dwellings, offices, and parking areas any or all of the property acquired for parking or for future building needs. All leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy thereof of the property shall cease. All money received as rent from any property acquired shall be remitted to the State Treasurer and credited to the State Building Revolving Fund, except that receipts from parking charges for employee and state vehicle parking shall be credited to the Capitol Buildings Parking Revolving Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors.

(6) The system of charges for state buildings and facilities, the proceeds of which are credited to the State Building Revolving Fund, shall include an amount sufficient to (a) accurately reflect operating, maintenance, renovation, and repair costs and (b) fund building renewal projects under the Deferred Building Renewal Act. The proceeds received under subdivision (a) of this subsection shall be remitted to the State Treasurer for credit to the State Building Revolving Fund. The proceeds received under subdivision (b) of this subsection shall be remitted to the State Treasurer for credit to the Building Renewal Allocation Fund. The administrator shall develop a system of equitable billings and charges for parking facilities under his or her control and used by state employees and state vehicles. The system of charges shall include an amount sufficient to cover the operating, maintenance, and repair costs associated with the parking facilities. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to time credited to the Capitol Buildings Parking Revolving Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All money derived from any source other than that to be credited to the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, the Building Renewal Allocation Fund, or other appropriate revolving fund shall be remitted to the State Treasurer and credited to the General Fund.

(7) The administrator shall acquire a flag of the United States of America of suitable and convenient size. The colors of the flag shall be fast colors, and the cloth shall be of substantial material. The administrator shall acquire, construct, and locate in a suitable place on the State Capitol proper, or its environs, a suitable flagstaff or pole upon which the flag of the United States of America shall be conspicuously displayed during each day of the year. The flag shall be so arranged on the staff or pole that it may be raised or lowered with ease.

(8) The administrator shall see that all parts and apartments of the capitol and buildings leased are properly ventilated and kept clean and in order. The administrator shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense.

(9) The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the capitol and capitol grounds, state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15. The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the capitol or on the capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance therein or thereon in or on the buildings or lands.

(10) The administrator shall keep in his or her office a complete record containing all plans and surveys of the capitol and capitol grounds, state laboratory and grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska and of underground construction thereto under such buildings and lands.

Sec. 8. Section 81-1108.18, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.18. In order to promote the public safety and welfare, the administrator shall adopt and promulgate rules and regulations governing the parking of motor vehicles on the approaches to the capitol and capitol grounds, and on the lands adjacent to the capitol grounds, owned or leased by the State of Nebraska and under the administrator's control. Such The rules

and regulations may limit, restrict, or prohibit parking thereon on such land. Notwithstanding the provisions of the Administrative Procedure Act, such the rules and regulations shall become effective upon posting notice of the same rules and regulations on or about the premises to be regulated. If any vehicle is found upon any regulated premises in violation of this section; or the rules and regulations adopted pursuant thereto; to this section and the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. Violation of any such rules or regulations shall constitute a Class V misdemeanor.

Sec. 9. Section 81-1108.20, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.20. The administrator, with the consent of the Governor, shall employ all necessary assistants, engineers, janitors, custodians, and caretakers, fix their compensation, and terminate such employment from time to time as he shall find necessary for the efficient and economical discharge of his or her the duties. The administrator hereby imposed. He shall purchase, through the materiel division of the Department of Administrative Services, such supplies, material, and equipment as may be necessary for the proper maintenance of the State Capitol and capitol grounds, state laboratory and laboratory grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15. The total expenditures for such purposes shall not exceed the appropriations made therefor for such purposes.

Sec. 10. Section 81-1108.21, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.21. (1) The office space in the capitol building or any other state office building occupied by the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts, and Chief Justice and judges of the Supreme Court and Court of Appeals, including the office of the Clerk of the Supreme Court and Court of Appeals, on June 2, 1995, shall remain under the control of such officer or Chief Justice on and after such date. The Executive Board of the Legislative Council shall determine its office space requirements in the capitol building and may occupy such office space as it requires except as provided in this subsection. All office space in the capitol building or in any other state office building assigned to the executive, judicial or legislative branches of government on April 6, 1976, shall remain under the control of the branch assigned such space except as provided in this subsection. When space is made available as the result of the movement of agencies into the new state office building, the state building division shall coordinate relocation of offices in the capitol building. A plan sanctioned by the Governor and Executive Board of the Legislative Council shall be developed by the division by June 1, 1976. The plan shall accommodate permanent private offices for each member of the Legislature and shall provide sufficient space for operations through 1980. Such plan shall include adequate legislative hearing rooms, relocation of press facilities, and support staff of such agencies. No space shall be taken from either the judicial or legislative branch without the consent of the Chief Justice or the Legislature if in session, or by the Executive Board of the Legislative Council if the Legislature is not in session, respectively. The needs for space of the legislature shall be determined by the Legislature if in session and by the Executive Board of the Legislative Council if the legislature is not in session. Except as provided in this subsection, no required space shall be taken from the executive branch without concurrence of the Governor.

(2) After the determination by the Executive Board of the Legislative Council pursuant to subsection (1) of this section, the administrator shall be responsible to the director for the determination of the space needs of all other departments and agencies of the state and for the assignment of the remaining office space, within the executive branch. The determination of such needs shall be based on considerations of: (a) Space available. The availability of space as provided in this section within the capitol building and other state office buildings; (b) the desirability of locating all divisions and other organizational subunits of each department and agency of the state in physical proximity to the office of its head; (c) the degree to which the convenience of the public may be served by assignment of various areas within the capitol building or other state office buildings to the agencies and departments having requirements for direct dealing with the public in accordance with the volume of such dealings and the nature of the population served; (d) the interdependence of functions and operating procedures of the various agencies with one another as such interdependence

may be efficiently accommodated through physical proximity in the location of assigned space; (e) applicable standards governing office requirements as may be developed; (f) proposed additions to functions or programs or creation of new functions or programs as authorized and required by action of the Legislature; (g) the availability of appropriations with which to finance renovations, remodeling and movement of equipment necessary to accommodate any proposed assignment or reassignment of area; (h) the degree to which funds raised by general taxation or having effect on the level of general taxation shall be affected by any proposed assignment of space outside the capitol building or other state office buildings; and (i) conformity to federal standards in the assignment of space in buildings constructed with federal funds.

(3) The division shall have responsibility for provision and replacement of lighting, lighting fixtures, heating, cooling and ventilation, janitorial, custodial, and all other building services, including care and custody of the capitol buildings and grounds as may now be provided by law.

(4) Responsibility for employment and supervision of custodial and janitorial workers for areas of the capitol building occupied by the Legislature, the courts, and executive departments and agencies shall be in accordance with such agreements as may be defined by authorized representatives of the three branches. All ~~7~~ **PROVIDED**, that all funds for improvements, remodeling, renovation, partitioning or replacement of major fixtures, including carpeting, flooring, provision of drapes, lighting fixtures, and lamps, within any area of the capitol building or other state office building shall be at the disposal of the administrator.

Sec. 11. Section 81-1108.22, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.22. (1) The division shall have the responsibility of providing office space in leased and state-owned buildings in the proximity of the State Capitol and in other locations.

(2) When any board, agency, commission, or department of the state government not otherwise specifically authorized by law desires to use funds available for the purpose of renting office space outside of the State Capitol, it shall submit a request to the Director of Administrative Services accompanied by a certificate from the Committee on Building Maintenance that there is no state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the needs of the board, agency, commission, or department. If the director approves the lease, the terms and location shall be approved by the director and the administrator in writing and the leases shall be entered into and administered by the administrator on behalf of the board, agency, commission, or department. A copy of all such lease contracts shall be kept on file by the state building division and shall be open to inspection by the Legislature and the public during normal business hours.

(3) The administrator shall develop a system of charges to cover basic rental, maintenance, renovations, and operation of such leased and owned properties. The charges to state agencies, boards, commissions, or departments of state government shall be paid from funds available for the purpose of renting space on a regular basis and placed in the State Building Revolving Fund, which fund is hereby created. The administrator shall make payments for basic rentals, renovations, and maintenance and operational costs of all leased and owned buildings from the State Building Revolving Fund.

(4) The charges for such leased and owned properties shall only be adjusted by the administrator on July 1. Prior to any adjustment in the system of charges, the Department of Administrative Services, on or before December 1 of the year preceding the effective date of such adjustment, shall provide written notification to the Committee on Building Maintenance, the Clerk of the Legislature, and the Legislative Fiscal Analyst of the proposed adjustment to the system of charges.

(5) Commencing on April 18, 1992, all leases of real property entered into by any state agency, board, commission, or department shall be subject to this section. Leases held by a state agency, board, commission, or department on such date shall be valid until the lease contract is terminated or is subject to renewal. The division shall monitor all such leases and determine when the lease is subject to renewal. Once the determination is made, the division shall cancel the lease as of the renewal date and shall treat the need of the agency, board, commission, or department as an original request for space and subject to this section. This subsection shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) facilities to be leased for use by the

University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (c) facilities to be leased for nonoffice use by the Department of Roads, or (d) facilities controlled by the Nebraska School for the Deaf or Nebraska School for the Visually Handicapped to be rented to state agencies or other parties by the school.

Sec. 12. Section 81-1108.23, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.23. The administrator shall have authority to may employ architects, draftsmen drafters, specialized engineers, and other professional personnel, to provide plans, working drawings, and specifications required for the adequate maintenance, improvement, construction, and reconstruction of the State Capitol and grounds, state laboratory and grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska, and under the administrator's control and may employ secretarial and administrative personnel necessary to carry out the duties required by the provisions of this section.

Sec. 13. (1)(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 pursuant to sections 81-1108.15 and 81-1114. Such review shall include any potential matching of state funds or maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division shall submit a report to the Governor and the Legislative Fiscal Analyst 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. 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.

(2) 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.

(3) 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. 14. Section 81-1108.41, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.41. The division shall cause a state comprehensive capital facilities plan to be developed. The plan shall project the state's facilities needs for periods of four years and eight years and shall be based on programmatic projections and input from each state agency. To aid in the development of the plan, the Governor shall appoint a State Comprehensive Capital Facilities Planning Committee with representatives from various state agencies. The committee shall develop and adopt comprehensive planning guidelines and a process of project prioritization. The state comprehensive capital facilities plan shall be submitted to the Committee on Building Maintenance for review before such plan shall be submitted to the Governor and the Legislative Fiscal Analyst on or before September 15 prior to the beginning of each biennium. The plan shall be based on priorities developed by the State Comprehensive Capital Facilities Planning Committee. The University of Nebraska and any Nebraska state college shall not be required to comply with or be subject to the provisions of this section 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.

An appropriation for drawings and construction may be made only after submission of an acceptable program statement on or before September 15 of the year previous to the initiation of such appropriation. Such program statement shall include, but not be limited to, (1) an assessment of the compatibility of the project with the state comprehensive capital facilities

plan and the agency or department's departmental comprehensive capital facilities plan, (2) the identification of the impact of the project on the space utilization of other facilities under the control of the agency or department, and (3) the identification of the future impact on the agency or department's departmental programmatic needs, demand for utilities in excess of current capacity, parking needs, street and road needs, and site acquisition needs. Such program statement shall be submitted to the state building division and the Legislative Fiscal Analyst.

No contract for the planning, design, or construction of a new facility or major modification or repair of an existing facility provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the Governor, the agency or department has submitted to the division a certificate from the Committee on Building Maintenance that there is no state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the agency's or department's needs, and the conditions of the contracts are approved in writing by the Governor division, except that the provisions of this section shall not apply to projects when the total design and construction cost of the project is less than one hundred thousand dollars the limit established by the division. Such program statements and contracts shall be reviewed by the division.

The division shall file a written report on each program statement and contract reviewed with the Governor and the Legislative Fiscal Analyst. This report shall cover the consistency of the project with the state comprehensive capital facilities plan and the agency or department departmental comprehensive capital facilities plan. A subsequent review and report upon completion of the planning or design phase of the project shall indicate the compatibility of the project with the agency or department departmental comprehensive capital facilities plan, compare the probable cost of the project with accepted cost standards for similar construction projects, and review the relationship of the project to other state agency or departmental capital facilities in the same complex.

Sec. 15. Section 81-1108.43, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.43. No state agency or department shall perform for itself any of the services normally performed by a professional consulting engineer or architect as defined in section 81-840- in the preparation of plans and specifications for the construction, reconstruction, or alteration of any building or in the administration of the construction documents and final approval of the project when the total project cost is one hundred thousand dollars or more, and no state agency shall employ its own work force for any such construction, reconstruction, or alteration of capital facilities when the total project cost is fifty thousand dollars or more. This 7, except that the terms of this section shall not apply to section 83-134, or to the Department of Roads, nor or to any public power district, public power and irrigation district, irrigation district, or metropolitan utilities district. If, during the program statement review provided for under section 81-1108.41, it is determined that existing or standard plans and specifications are available or required for the project, the division Governor may authorize an exemption from this section. The Director of Administrative Services shall not issue any warrant in payment for any work on a capital construction project unless the state agency or department files a certificate that it has complied with the provisions of this section, have been complied with or unless such project was commenced prior to December 25, 1969.

Sec. 16. Section 81-1108.54, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.54. The purpose of the state building division is to provide centralized procurement, operation, maintenance, and management of office space, and independent review, analysis, and oversight of capital construction projects to insure that the most appropriate facilities are provided for the efficient functioning of state government. It is the intent of the Legislature that the responsibility for state facilities be centralized within the division except for buildings and grounds exempted under subsection (5) of section 81-1108.15.

Sec. 17. Section 83-134, Reissue Revised Statutes of Nebraska, is amended to read:

83-134. (1) The Department of Public Institutions shall have general charge of the erection of new buildings, the repair and improvement of buildings, including fire escapes, and the improvement of grounds.

(2) Buildings and other improvements costing more than fifteen forty thousand dollars, exclusive of equipment not germane to construction and building material made in the institution, shall be (a) constructed under the

general charge of the department as provided in subsection (1) of this section and (b) let by contract to the lowest responsible bidder after proper advertisement as set forth in subsection (5) of this section.

(3) The labor of persons committed to the Department of Correctional Services pursuant to section 83-183 or of state charges may be employed, whenever the Department of Public Institutions deems it practicable, in all construction, repairs, and improvements at state institutions.

(4) The successful bidder at the letting referred to in subsection (2) of this section shall enter into a formal contract with the department, prepared pursuant to subsection (5) of this section, and shall furnish a bond for the faithful performance of his or her contract, except that a performance bond shall not be required for any project which has a total cost of fifteen forty thousand dollars or less unless the department includes a bond requirement in the specifications for the project.

(5) When contracts are to be let by the department as is provided for by subsection (2) of this section, advertisements shall be published in accordance with rules and regulations adopted and promulgated by the state building division of the Department of Administrative Services stating that sealed proposals will be received by the Department of Public Institutions at its office on the date therein stated for the furnishing of materials, the construction of buildings, or the making of repairs or improvements and that plans and specifications can be seen at the office of the department. All bids or proposals shall be accompanied by a certified check or bid bond in a sum fixed by the department and payable thereto. All such contracts shall be awarded to the lowest responsible bidder, but the right shall be reserved to reject any and all bids. Whenever any material described in any contract can be obtained from any state institution, the department shall exclude it from such a contract. Upon the awarding of the contract or contracts therefor, the Attorney General shall review the contract or contracts to be entered into by the department and the contracting parties.

Sec. 18. Section 83-916, Reissue Revised Statutes of Nebraska, is amended to read:

83-916. (1) The Department of Correctional Services shall have general charge of the erection of new buildings, the repair and improvement of buildings, including fire escapes, and the improvement of grounds.

(2) Buildings and other improvements costing more than fifteen forty thousand dollars, exclusive of equipment not germane to construction and building material made in the institution, shall be (a) constructed under the general charge of the department as provided in subsection (1) of this section and (b) let by contract to the lowest responsible bidder after proper advertisement as set forth in subsection (5) of this section, except that buildings costing more than fifteen forty thousand dollars, such as shops, warehouses, or a cannery, when declared necessary by the department and to be constructed on the grounds of any Department of Correctional Services adult correctional facility, may be constructed by the use of inmate labor. Any construction by inmate labor shall have the approval of the department, the warden, and the chief engineer of the department.

(3) Inmate labor or the labor of state charges shall be employed, whenever the department deems it practicable, in all construction, repairs, and improvements at state institutions.

(4) The successful bidder at the letting referred to in subsection (2) of this section shall enter into a formal contract with the department, prepared as provided for by subsection (5) of this section, and shall furnish a bond for the faithful performance of his or her contract, except that a performance bond shall not be required for any project which has a total cost of fifteen forty thousand dollars or less unless the department includes a bond requirement in the specifications for the project.

(5) When contracts are to be let by the department as provided for by subsection (2) of this section, advertisements shall be published in accordance with rules and regulations adopted and promulgated by the state building division of the Department of Administrative Services stating that sealed proposals will be received by the Department of Correctional Services at its office on the date therein stated for the furnishing of materials, the construction of buildings, or the making of repairs or improvements and that plans and specifications can be seen at the office of the department. All bids or proposals shall be accompanied by a certified check or bid bond in a sum fixed by the department and payable thereto. All such contracts shall be awarded to the lowest responsible bidder, but the right shall be reserved to reject any and all bids. Whenever any material described in any contract can be obtained from any state institution, the department shall exclude it from such a contract. Upon the awarding of the contract or contracts therefor, the Attorney General shall review the contract or contracts to be entered into by

the department and the contracting parties.

Sec. 19. Original sections 81-179, 81-186, 81-1107, 81-1108.15 to 81-1108.18, 81-1108.20 to 81-1108.23, 81-1108.41, 81-1108.43, 81-1108.54, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, and section 72-803, Revised Statutes Supplement, 1994, are repealed.