

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 349

Introduced by Krist, 10.

Read first time January 15, 2015

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the state building division; to amend
- 2 section 81-1108.33, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to acquisitions of real property; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1108.33, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-1108.33 (1) It is the intent of the Legislature that the state
4 will not assume responsibility for the substandard construction, repair,
5 or maintenance of, or for the excessive maintenance or repair costs for,
6 real property, structures, or improvements which will be made available
7 by gift, bequest, or devise to any state agency, board, or commission or
8 real property or structures acquired by any state agency, board, or
9 commission with the proceeds of donations, gifts, bequests, devises, or
10 grants from individuals, organizations, corporations, foundations, or
11 similar entities or from nonfederal governmental agencies. Therefor, any
12 such gift, bequest, devise, or acquisition of such real property,
13 structure, or improvement shall be reviewed and approved as provided in
14 this section as a requirement for acceptance or acquisition by the state
15 of such real property, structure, or improvement.

16 (2)(a) Any gift of, bequest of, or devise of real property, a
17 structure, or an improvement proposed to be made available to any state
18 agency, board, or commission in excess of ten thousand dollars and any
19 acquisition of real property or structures with the proceeds of
20 donations, gifts, bequests, devises, or grants from individuals,
21 organizations, corporations, foundations, or similar entities or from
22 nonfederal governmental agencies, if the combined proceeds of such
23 donations, gifts, bequests, devises, or grants exceed two hundred fifty
24 thousand dollars, shall be reviewed by the state building division and
25 the Task Force for Building Renewal pursuant to sections 81-176,
26 81-1108.15, and 81-1114. Such review shall include any potential matching
27 of state funds, any plans, specifications, and other construction or
28 repair documents, and any potential maintenance requirements as a
29 condition of acceptance or acquisition. Subsequent to such review, the
30 state building division and the task force shall submit a report to the
31 Governor, the Committee on Building Maintenance, and the Legislative

1 Fiscal Analyst including a summary of the review of the plans,
2 specifications, and other construction or repair documents and potential
3 maintenance requirements and outlining the terms and conditions of the
4 proposed gift, bequest, devise, or acquisition along with its
5 recommendation. The report submitted to the committee and the Legislative
6 Fiscal Analyst shall be submitted electronically.

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

10 (ii) Any acquisition of real property or structures with the
11 proceeds of donations, gifts, bequests, devises, or grants from
12 individuals, organizations, corporations, foundations, or similar
13 entities or from nonfederal governmental agencies, if the combined
14 proceeds of such donations, gifts, bequests, devises, or grants exceed
15 two hundred fifty thousand dollars and if the combined proceeds exceed
16 the existing capital appropriation for the acquisition, shall be approved
17 by the Governor and Legislature prior to such acquisition.

18 (iii) If the Legislature is not in session, the Executive Board of
19 the Legislative Council, after recommendation by the Committee on
20 Building Maintenance, may approve such gift, bequest, devise, or
21 acquisition along with the Governor.

22 (c) No construction, repair, maintenance, or other work related to
23 the proposed gift, bequest, devise, or acquisition shall be initiated
24 prior to receiving the review and approval required by this section.

25 (3) For purposes of this section, gift of, bequest of, or devise of
26 (a) real property, (b) a structure, or (c) an improvement shall include,
27 but not be limited to, a donation of, gift of, bequest of, devise of, or
28 grant of (i) real property, (ii) a structure, or (iii) an improvement
29 from an individual, an organization, a corporation, a foundation, or a
30 similar entity or from a nonfederal governmental agency. For purposes of
31 this section, gift, bequest, or devise shall not include a donation,

1 gift, bequest, devise, or grant of tangible or intangible personal
2 property.

3 (4) This section shall not apply to the University of Nebraska or
4 any Nebraska state college, since these agencies are subject to and
5 participate in statewide facilities planning developed by the
6 Coordinating Commission for Postsecondary Education pursuant to the
7 Coordinating Commission for Postsecondary Education Act.

8 Sec. 2. Original section 81-1108.33, Reissue Revised Statutes of
9 Nebraska, is repealed.