

LEGISLATIVE BILL 38

Approved by the Governor March 6, 1979

Introduced by Labeledz, 5

AN ACT to amend sections 31-1108.41 and 31-1108.43, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to change provisions relating to use of agency services and work forces; and to repeal the original sections.

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

Section 1. That section 31-1108.41, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-1108.41. 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 be submitted to the state building division and the Executive Board of the Legislative Council. 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 and the conditions of the contracts are approved in writing by the Governor; provided, that the provisions of this section shall not apply to projects whose total design and construction cost is less than fifty one hundred thousand dollars. 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 Executive Board of the Legislative Council. This report shall cover the consistency of the project with the agency or department six-year plan for capital construction. 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 six-year plan for capital construction, 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. The Director of Administrative Services may delegate the division duties of reviewing contracts and filing of reviews and reports with respect to any state agency or department to one or more persons within such agency or department if he or she shall find

that, in order to achieve compliance with the provisions of sections 81-1108.09 and 81-1108.41 to 81-1108.43, such delegation is in the best interests of the State of Nebraska.

Sec. 2. That section 81-1108.43, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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 inspection and final approval thereof, and no state agency shall employ its own work force for any such construction, reconstruction, or alteration of capital facilities; provided, that the terms of this section shall not apply to capital construction projects where the total project cost is less than fifty thousand dollars; and provided further, 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; except that the terms of this section shall not apply to section 83-134, or to the Department of Roads, nor 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 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 the provisions of this section have been complied with or unless such project was commenced prior to December 25, 1969.~~

Sec. 3. That original sections 81-1108.41 and 81-1108.43, Reissue Revised Statutes of Nebraska, 1943, are repealed.