

LEGISLATIVE BILL 369

Approved by the Governor March 30, 1993

Introduced by Lynch, 13, at the request of the Governor

AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173, 81-178, 81-179, and 81-181, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change classifications of work items; to change provisions relating to accounting for funds; to eliminate a restriction on use of funds; to harmonize provisions; to provide an operative date; 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, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-173. ~~As used in sections 81-173 to~~ For purposes of the Deferred Building Renewal Act and sections 81-191.01, 85-106, and 85-304, unless the context otherwise requires:

(1) Renewal work shall mean any (a) 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, (b) projects that will bring facilities into compliance with current fire safety, life safety, and hazardous materials abatement requirements, and (c) projects that will bring facilities into compliance with the federal Americans with Disabilities Act of 1990. 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: (a) ~~Correct~~ 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; (b) correct or repair structural, mechanical, or other defects in a building or its components or utility systems which endanger the lives or health of state employees or the general public; (c) bring a building into compliance with the federal Americans with Disabilities Act of 1990; or (d) ~~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, air handling, and air conditioning equipment, or electrical systems, but excluding decorative finish or furnishing, building additions, or installation of additional summer-winter

air conditioning, except as it may be required to comply with the federal Americans with Disabilities Act of 1990:

(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 subdivision (2) of this section; and

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

Sec. 2. That section 81-178, Reissue Revised Statutes of Nebraska, 1943, 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 (1) provide safety and protection against costly damage to buildings or their utility systems, (2) make structural, mechanical, or other repairs to buildings or their components or utility systems which are an immediate danger to the lives or health of state employees or the general public, or (3) bring buildings into compliance with the federal Americans with Disabilities Act of 1990;

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 and safe use of the facility or system; and

Class III -- additional items necessary to fully renew or provide efficient and safe use of 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~~ the Deferred Building Renewal Act. Any energy conservation project shall be assigned a priority of Class II or higher.

Sec. 3. That section 81-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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, to consist of such money as ~~shall be~~ is appropriated by the Legislature. Such appropriation is declared to consist of building renewal funds which shall be 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 ~~such~~

~~fund~~ the Building Renewal Allocation Fund available for investment shall be invested by the state investment officer pursuant to ~~Chapter 72, article 12 sections 72-1237 to 72-1276.~~

Sec. 4. That section 81-181, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-181. Not later than December 15 of each year, each agency shall submit to the Governor, in the form prescribed by him or her, a report of its proposed building renewal projects for the next fiscal year. Such report shall contain the information specified in section 81-177 and shall constitute a request for the allocation of funds from the Building Renewal Allocation Fund. The Governor shall, with the advice of the task force, allocate from such fund the sum necessary for the accomplishment of projects approved by him or her. ~~No allocation from the fund shall be made to any project for the removal of barriers to the handicapped unless such project was specifically approved by the Legislature in the making of appropriations to the fund.~~ Allocations shall be made in a manner that assures accomplishment of Class I projects first, followed by accomplishments of Class II projects, and then accomplishment of Class III projects, unless doing so in a particular case would violate sound building renewal policies and practices. The amount of such allocation shall not be transferred to the agency but shall remain within the Building Renewal Allocation Fund subject to the control of the Governor until disbursed pursuant to ~~sections 81-173 to 81-199~~ the Deferred Building Renewal Act.

Sec. 5. This act shall become operative on July 1, 1993.

Sec. 6. That original sections 81-173, 81-178, 81-179, and 81-181, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.