

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 885

Introduced by Haar, 21.

Read first time January 09, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Department of Administrative Services; to
2 amend section 81-1108.15, Reissue Revised Statutes of
3 Nebraska; to provide powers and duties to the state
4 building division relating to the energy efficiency of
5 state facilities; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1108.15, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 81-1108.15 (1) Except as provided in the Nebraska State
4 Capitol Preservation and Restoration Act, the division shall have the
5 primary functions and responsibilities of statewide facilities
6 planning, facilities construction, and facilities administration and
7 shall adopt and promulgate rules and regulations to carry out this
8 section.

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

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

13 (b) To coordinate comprehensive capital facilities
14 planning;

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

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

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

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

24 (g) To maintain a complete inventory of all state-owned,
25 state-occupied, and vacant sites and structures and to review the

1 proposals for naming such sites and structures;

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

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

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

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

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

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

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

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

25 (b) To provide all maintenance, repairs, custodial

1 duties, security, and administration for all buildings and grounds
2 owned or leased by the State of Nebraska except as provided in
3 subsections (5) and (6) of this section;

4 (c) To be responsible for adequate parking and the
5 designation of parking stalls or spaces, including access aisles, in
6 offstreet parking facilities for the exclusive use of handicapped or
7 disabled or temporarily handicapped or disabled persons pursuant to
8 section 18-1737;

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

13 (e) To ensure that all state-owned, state-occupied, and
14 vacant facilities receive an energy performance rating from the
15 United States Environmental Protection Agency or an equivalent rating
16 from a similar nationally recognized energy usage rating system. For
17 purposes of this subdivision, a facility receives an energy
18 performance rating based on the results of the Commercial Building
19 Energy Consumption Survey conducted by the United States Department
20 of Energy's Energy Information Administration;

21 ~~(e)~~—(f) To report annually to the Appropriations
22 Committee of the Legislature and the Committee on Building
23 Maintenance regarding the amount of property leased by the state and
24 the availability of state-owned property for the needs of state
25 agencies;

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

3 (h) To report the ratings described in subdivision (e) of
4 this subsection annually to the Governor and the Clerk of the
5 Legislature. The division may publish such ratings on the web site of
6 the Department of Administrative Services;

7 ~~(g)~~(i) To administer the State Emergency Capital
8 Construction Contingency Fund;

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

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

23 (5) Subdivisions (4)(b), (c), ~~and~~(d), and (e) of this
24 section shall not apply to (a) state-owned facilities to be rented to
25 state agencies or other parties by the University of Nebraska, the

1 Nebraska state colleges, the Department of Aeronautics, the
2 Department of Roads, and the Board of Educational Lands and Funds,
3 (b) buildings and grounds owned or leased for use by the University
4 of Nebraska, the Nebraska state colleges, and the Board of
5 Educational Lands and Funds, (c) buildings and grounds owned, leased,
6 or operated by the Department of Correctional Services, (d)
7 facilities to be leased for nonoffice use by the Department of Roads,
8 (e) buildings or grounds owned or leased by the Game and Parks
9 Commission if the application of such subdivisions to the buildings
10 or grounds would result in ineligibility for or repayment of federal
11 funding, (f) buildings or grounds of the state park system, state
12 recreation areas, state historical parks, state wildlife management
13 areas, or state recreational trails, or (g) other buildings or
14 grounds owned or leased by the State of Nebraska which are
15 specifically exempted by the division because the application of such
16 subdivisions would result in the ineligibility for federal funding or
17 would result in hardship on an agency, board, or commission due to
18 other exceptional or unusual circumstances, except that nothing in
19 this subdivision shall prohibit the assessment of building rental
20 depreciation charges to tenants of facilities owned by the state and
21 under the direct control and maintenance of the division.

22 (6) Security for all buildings and grounds owned or
23 leased by the State of Nebraska in Lincoln, Nebraska, except the
24 buildings and grounds described in subsection (5) of this section,
25 shall be the responsibility of the Nebraska State Patrol. The

1 Nebraska State Patrol shall consult with the Governor, the Chief
2 Justice, the Executive Board of the Legislative Council, and the
3 State Capitol Administrator regarding security policy within the
4 State Capitol and capitol grounds.

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

11 Sec. 2. Original section 81-1108.15, Reissue Revised
12 Statutes of Nebraska, is repealed.