

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 997**

Introduced by Krist, 10.

Read first time January 15, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to state government; to amend sections  
2 60-1404, 72-723, 72-2210, 80-401.11, 81-1108.36, and 81-1108.38,  
3 Reissue Revised Statutes of Nebraska, and section 3-106, Revised  
4 Statutes Cumulative Supplement, 2014; to change provisions regarding  
5 office space; to provide and change duties for the Nebraska Capitol  
6 Commission and the Office of the Nebraska Capitol Commission; to  
7 harmonize provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-106, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 3-106 (1) The state building division of the Department of  
4 Administrative Services shall provide the Department of Aeronautics with  
5 appropriate office space within Lincoln, Nebraska. The Department of  
6 Aeronautics ~~Suitable offices shall be provided for the department in the~~  
7 ~~State Capitol. It~~ may maintain offices at such other places in the state  
8 as it may designate and may incur the necessary expense for office  
9 furniture, stationery, printing, and other incidental or necessary  
10 expenses for the enforcement of the State Aeronautics Department Act and  
11 the general promotion of aeronautics within the state.

12 (2) The department may purchase aircraft for the use of state  
13 government and may sell any state aircraft that is not needed or suitable  
14 for state uses. State aircraft shall be subject at all times to the  
15 written orders of the Governor for use and service in any branch of the  
16 state government. The department shall establish an hourly rate for use  
17 of a state aircraft by a state official or agency. The hourly rate shall  
18 not include an amount to recover the cost of acquisition by purchase, but  
19 shall include amounts for items such as variable fuel and oil costs,  
20 routine maintenance costs, landing fees, and preventive maintenance  
21 reserves.

22 (3) The department may employ such clerical and other employees and  
23 assistants as it may deem necessary for the proper transaction of its  
24 business.

25 (4) It is the intent of the Legislature that the use of state-owned,  
26 chartered, or rented aircraft by the department shall be for the sole  
27 purpose of state business. The department shall electronically file with  
28 the Clerk of the Legislature a quarterly report on the department's use  
29 of all state-owned, chartered, or rented aircraft that includes the  
30 following information for each trip: The name of the agency or other  
31 entity traveling; the name of each individual passenger; all purposes of

1 the trip; the destination and intermediate stops; the miles flown; and  
2 the duration of the trip.

3 Sec. 2. Section 60-1404, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 60-1404 The board shall have the authority to employ an executive  
6 director who shall direct and administer the affairs of the board and who  
7 shall keep a record of all proceedings, transactions, communications, and  
8 official acts of the board. He or she shall be custodian of all records  
9 of the board and perform such other duties as the board may require. The  
10 executive director shall call a meeting of the board at the direction of  
11 the chairperson thereof or upon a written request of two or more members  
12 thereof. The executive director, with the approval of the board, is  
13 authorized to employ an attorney at a minimum salary of six hundred  
14 dollars per month together with such other employees, including staff for  
15 its attorney, as may be necessary to properly carry out the Motor Vehicle  
16 Industry Regulation Act, to fix the salaries of such employees, and to  
17 make such other expenditures as are necessary to properly carry out the  
18 act. The state building division of the Department of Administrative  
19 Services shall provide the board with appropriate office space. The  
20 office of the board shall be maintained in ~~the State Capitol at Lincoln,~~  
21 Nebraska, and all files, records, and property of the board shall at all  
22 times be and remain therein. The executive director shall be the board's  
23 representative in the administration of the act, and he or she shall  
24 insure that the policies and directives of the board are carried out.

25 Sec. 3. Section 72-723, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 72-723 All monuments and memorials ~~now~~ fixed to or in the building  
28 ~~or the grounds of the State Capitol or on the capitol grounds~~ shall be  
29 regarded as permanent fixtures, and shall not be established, except by  
30 the Nebraska Hall of Fame Commission as provided in sections 72-724 to  
31 72-729.01, or removed without approval by the Nebraska Capitol Commission

1 and the consent of the Legislature.

2 Sec. 4. Section 72-2210, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 72-2210 (1) The office shall have the primary functions and  
5 responsibilities of facilities planning, facilities construction, and  
6 facilities administration for the State Capitol and capitol grounds and  
7 may adopt and promulgate rules and regulations to carry out the  
8 provisions of this section and ~~subsection (1) of section 81-1108.38.~~

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

11 (a) To maintain utilization records of the State Capitol and capitol  
12 grounds;

13 (b) To define and review program statements based on space  
14 utilization standards;

15 (c) To prepare and review planning and construction documents;

16 (d) To develop and maintain time-cost schedules for capital  
17 construction projects;

18 (e) To prepare annually a long-range plan for the commission,  
19 listing the maintenance needed for the interior and exterior of the State  
20 Capitol; and

21 (f) To assist the commission, the budget division of the Department  
22 of Administrative Services, and the Legislative Fiscal Analyst in  
23 preparing budget recommendations.

24 (3) Facilities construction includes the following powers and  
25 duties:

26 (a) To maintain close contact with and inspections of each project  
27 for the State Capitol and capitol grounds so as to assure execution of  
28 the highest quality work product, time-cost schedules, and efficient  
29 contract performance;

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

31 (c) To coordinate all modifications or change orders and progress

1 payment orders.

2 (4) Facilities administration includes the following powers and  
3 duties:

4 (a) To provide or assure adequate administration and preservation  
5 maintenance of, repairs to, and custodial duties for the State Capitol  
6 and capitol grounds;

7 (b) To be responsible for all maintenance, repairs, and custodial  
8 duties necessary to preserve properly and maintain the State Capitol and  
9 capitol grounds;

10 (c) To report to the commission quarterly, or as prescribed by the  
11 commission, the time-cost data on State Capitol construction projects;

12 (d) To be responsible for parking on the capitol grounds; and

13 (e) To submit to the commission a final report on each State Capitol  
14 project. The report shall include, but not be limited to, a comparison of  
15 final costs and appropriations made for the project, change orders, and  
16 modifications, and a conclusion as to whether the construction complied  
17 with the related approved project purpose and program statement. Such  
18 report shall be required on all projects costing fifty thousand dollars  
19 or more and any other projects designated by the commission.

20 Sec. 5. Section 80-401.11, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 80-401.11 The state building division of the Department of  
23 Administrative Services shall provide the Department of Veterans' Affairs  
24 with appropriate office space in Lincoln, Nebraska. The Department of  
25 Veterans' Affairs ~~Suitable offices shall be provided for the Department~~  
26 ~~of Veterans' Affairs in the State Capitol. It may maintain necessary~~  
27 ~~offices at such other places in the state as it may designate and may~~  
28 ~~incur the necessary expense for office furniture, stationery, printing,~~  
29 ~~and other incidental or necessary expenses. It may employ such clerical~~  
30 ~~and other employees and assistants as it may deem necessary for the~~  
31 ~~proper transaction of its business.~~

1           Sec. 6. Section 81-1108.36, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           81-1108.36 Except when sites or structures are named by statute, the  
4 administrator, after considering any recommendations of the Nebraska  
5 Capitol Commission if such sites or structures are within the Nebraska  
6 State Capitol Environs District as provided in subsection (1) of section  
7 81-1108.38, shall review the proposals of the various agencies and  
8 commissions for the naming of state-owned or leased sites or structures.  
9 Unless otherwise provided by statute, sites or structures shall not be  
10 named for citizens who are active elected officials or active employees  
11 of the State of Nebraska. Subsequent to review, the proposed name shall  
12 be approved by the Governor and the Legislature.

13           Sec. 7. Section 81-1108.38, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           81-1108.38 (1) The Nebraska Capitol Commission may (a) approve or  
16 reject recommendations to name rooms or other portions of the State  
17 Capitol or the capitol grounds for which names have not been previously  
18 established by the Legislature, (b) approve or reject recommendations to  
19 name state-owned or leased sites or structures within the Nebraska State  
20 Capitol Environs District, and (c) approve or reject recommendations to  
21 establish a monument or memorial, except a monument or memorial that is  
22 part of the Nebraska Hall of Fame, or to remove a monument or memorial on  
23 or in the State Capitol or on the capitol grounds.

24           (2) The (1) It shall be the duty of the Nebraska Capitol Commission  
25 shall to provide advice to the Office of the Nebraska Capitol Commission  
26 in carrying out this section. The office shall (a) establish policies and  
27 guidelines for the implementation of the approved Capitol Landscape  
28 Restoration Master Plan on and around the capitol grounds, (b)  
29 participate with the commission created pursuant to section 90-306 to (i)  
30 formulate a landscape restoration plan for all other state-owned property  
31 within the Nebraska State Capitol Environs District and (ii) conserve,

1 protect, and enhance the environs and vistas of the State Capitol, and  
2 (c) review the proposed construction and repairs of buildings in and  
3 around the State Capitol and all other state-owned property located  
4 within the Nebraska State Capitol Environs District, (d) review requests  
5 to name rooms or other portions of the State Capitol or the capitol  
6 grounds and make recommendations to the Nebraska Capitol Commission for  
7 approval or rejection, (e) review requests to name state-owned or leased  
8 sites or structures within the Nebraska State Capitol Environs District  
9 and make recommendations to the Nebraska Capital Commission for approval  
10 or rejection and, (f) review requests to establish a monument or  
11 memorial, except a monument or memorial that is part of the Nebraska Hall  
12 of Fame, or to remove a monument or memorial on or in the State Capitol  
13 or the capitol grounds and make recommendations to the Nebraska Capital  
14 Commission for approval or rejection. The office, with the advice of the  
15 Nebraska Capitol Commission, may adopt and promulgate rules and  
16 regulations to carry out this subsection.

17 (3 2) The commission shall hold meetings on a quarterly basis or as  
18 needed. The commission shall meet at least annually with the Nebraska  
19 State Capitol Environs Commission to discuss and coordinate projects that  
20 may impact the capitol and its environs. The meeting with the Nebraska  
21 State Capitol Environs Commission may be held in conjunction with one of  
22 the meetings of the Nebraska Capitol Commission required by this  
23 subsection.

24 (4 3) In addition to any other rights and powers conferred upon the  
25 commission, it shall monitor and advise the State Building Administrator  
26 in exercising the power of eminent domain on behalf of the state for the  
27 purpose of acquiring sites or buildings for state use within the Nebraska  
28 State Capitol Environs District. The administrator may for such purpose  
29 take, hold, and condemn for the state any and all necessary property. The  
30 procedure to condemn property shall be exercised in the manner set forth  
31 in sections 76-701 to 76-726.

1           Sec. 8.   Original sections 60-1404, 72-723, 72-2210, 80-401.11,  
2 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, and  
3 section 3-106, Revised Statutes Cumulative Supplement, 2014, are  
4 repealed.