

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 746

Introduced by Watermeier, 1.

Read first time January 03, 2018

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; to change provisions regarding
4 office space and state property; to provide and change duties for
5 the Nebraska Capitol Commission and the Office of the Nebraska
6 Capitol Commission; to harmonize provisions; and to repeal the
7 original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-1404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-1404 (1) The board shall have the authority to employ an
4 executive director. The executive director ~~who~~ shall direct and
5 administer the affairs of the board and ~~who~~ shall keep a record of all
6 proceedings, transactions, communications, and official acts of the
7 board. He or she shall be custodian of all records of the board and
8 perform such other duties as the board may require.

9 (2) The executive director shall call a meeting of the board at the
10 direction of the chairperson thereof or upon a written request of two or
11 more members thereof.

12 (3) 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.

19 (4) The office of the board shall be maintained in ~~the State Capitol~~
20 ~~at Lincoln, Nebraska,~~ and all files, records, and property of the board
21 shall at all times be and remain at the office. The executive director,
22 with the approval of the board, may make expenditures for office space
23 subject to section 81-1108.22 therein.

24 (5) The executive director shall be the board's representative in
25 the administration of the act, and he or she shall insure that the
26 policies and directives of the board are carried out.

27 Sec. 2. Section 72-723, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 72-723 All monuments and memorials ~~now fixed to or in the building~~
30 ~~or the grounds of~~ the State Capitol or on the capitol grounds shall be
31 regarded as permanent fixtures, and shall not be established or removed

1 without approval by the Nebraska Capitol Commission, except that the
2 Nebraska Hall of Fame Commission may establish monuments and memorials in
3 the Nebraska Hall of Fame as provided in sections 72-724 to 72-729.01 the
4 ~~consent of the Legislature.~~

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

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

12 (2) Facilities planning includes the following responsibilities and
13 duties:

14 (a) To maintain utilization records of the State Capitol and capitol
15 grounds;

16 (b) To define and review program statements based on space
17 utilization standards;

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

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

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

24 (f) To assist the commission, the budget division of the Department
25 of Administrative Services, and the Legislative Fiscal Analyst in
26 preparing budget recommendations.

27 (3) Facilities construction includes the following powers and
28 duties:

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

1 contract performance;

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

3 (c) To coordinate all modifications or change orders and progress
4 payment orders.

5 (4) Facilities administration includes the following powers and
6 duties:

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

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

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

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

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

23 Sec. 4. Section 80-401.11, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 80-401.11 ~~The 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~~ subject to
28 subsection (2) of section 81-1108.22 and may incur the necessary expense
29 for office space, furniture, stationery, printing, and other incidental
30 or necessary expenses. The department ~~It~~ may employ such clerical and
31 other employees and assistants as it may deem necessary for the proper

1 transaction of its business.

2 Sec. 5. Section 81-1108.36, Reissue Revised Statutes of Nebraska, is
3 amended to read:

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

14 Sec. 6. Section 81-1108.38, Reissue Revised Statutes of Nebraska, is
15 amended to read:

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

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

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

16 (3) The office, with the advice of the Nebraska Capitol Commission,
17 may adopt and promulgate rules and regulations to carry out this section
18 subsection.

19 (4) (2) The Nebraska Capitol Commission ~~commission~~ shall hold
20 meetings on a quarterly basis or as needed. The commission shall meet at
21 least annually with the Nebraska State Capitol Environs Commission to
22 discuss and coordinate projects that may impact the capitol and its
23 environs. The meeting with the Nebraska State Capitol Environs Commission
24 may be held in conjunction with one of the meetings of the Nebraska
25 Capitol Commission required by this subsection.

26 (5) (3) In addition to any other rights and powers conferred upon
27 the Nebraska Capitol Commission ~~commission~~, it shall monitor and advise
28 the State Building Administrator in exercising the power of eminent
29 domain on behalf of the state for the purpose of acquiring sites or
30 buildings for state use within the Nebraska State Capitol Environs
31 District. The administrator may for such purpose take, hold, and condemn

1 for the state any and all necessary property. The procedure to condemn
2 property shall be exercised in the manner set forth in sections 76-701 to
3 76-726.

4 Sec. 7. Original sections 60-1404, 72-723, 72-2210, 80-401.11,
5 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, are
6 repealed.