

LEGISLATIVE BILL 547

Approved by the Governor May 8, 1973

Introduced by Miscellaneous Subjects Committee,  
Carpenter, 48; Mahoney, 5; Waldron, 42;  
Skarda, 7; Luedtke, 28

AN ACT to amend sections 72-801 and 72-802, Reissue Revised Statutes of Nebraska, 1943, relating to the erection of public buildings; to change provisions for the erection of buildings for the state; 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 72-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-801. ~~Each-and-every~~ Any public building that shall be erected or repaired, and for which an appropriation is made by the Legislature, shall be constructed or repaired in a complete manner within the limits of such appropriation; and no building shall be changed or diverted from the use or purpose, kind or class of building, from that for which the appropriation was originally made, ~~,-but-the-building-for-which-the-appropriation-was-made-shall-be-the-kind-and-class-of-building-erected-~~

Sec. 2. That section 72-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-802. ~~All-officers--and--boards--who--are~~ Any officer or board charged with the general supervision of the erection and repair of the public buildings belonging to the state, shall prepare, or have prepared, plans and specifications of ~~each--and--every~~ the building to be erected or repaired, and such plans shall be prepared in such a manner that the completed building, landscaping, and parking facilities, including the cost of equipment and fixtures necessary therefor, or the completed repair cost, shall not exceed the ~~appropriation--made--and--set aside~~ amount authorized for that purpose. ~~Construction may be commenced after contracts are awarded, but the obligation of the state in any fiscal year under such contracts shall not exceed the amount appropriated for that purpose in such fiscal year.~~ Where contracts are submitted to public bidding and a certain item is

specified by trade name, make or catalog number, a bid for the furnishing of an alternate item, equal thereto in the opinion of the architects and officers or board involved and submitted within the time limits set for receipt of bids, shall not be rejected solely on the basis that such item was not approved prior to the submission of bids. No officer, board, architect, superintendent or contractor shall change any plan for any public building, for which an appropriation is made by the Legislature, so as to exceed such appropriation, and any officer, board, architect, superintendent or contractor who shall violate any of the provisions of this section and section 72-801, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred dollars and not more than one thousand dollars, such fine to be paid into the school fund of the county in which conviction is had.

Sec. 3. That original sections 72-801 and 72-802, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.