

## LEGISLATIVE BILL 567

Approved by the Governor May 24, 1995

Introduced by Robinson, 16; Janssen, 15; Lynch, 13; Vrtiska, 1; Wehrbein, 2

AN ACT relating to state-owned land; to amend section 72-817, Reissue Revised Statutes of Nebraska, and sections 72-801, 72-811, 72-813, and 72-816, Revised Statutes Supplement, 1994; to provide procedures for granting of utility easements; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. A state agency may submit a request for granting a utility easement on state-owned land to the committee. The committee may approve utility easements by majority vote. Utility easements may only be granted to political subdivisions or their contractors for utility or construction-related purposes. The committee shall certify the approval of a utility easement to the Director of Administrative Services who shall execute the instrument necessary to grant the easement. The state building division of the Department of Administrative Services shall be responsible for the implementation of easements granted under this section.

Sec. 2. Section 72-801, Revised Statutes Supplement, 1994, is amended to read:

72-801. Any public building that is 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. Except as provided in sections 72-811 to 72-817, 79-1915, and 79-2012 and section 1 of this act, 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be changed or diverted from the use or purpose, kind, or class of building from that for which the appropriation was originally made.

Sec. 3. Section 72-811, Revised Statutes Supplement, 1994, is amended to read:

72-811. For purposes of sections 72-811 to 72-817 and section 1 of this act:

(1) Committee shall mean the Vacant Building and Excess Land Committee;

(2) Excess, referring to land, shall mean (a) unused in whole or in part by any state agency for the purposes for which the land was acquired or received or (b) without current defined plans by any state agency for the use of the land for the agency's mission for the next fiscal year; and

(3) Vacant, referring to buildings, shall mean (a) unoccupied, (b) unused in whole or in part by any state agency for the purposes for which the building was designed, intended, or remodeled, or (c) without current defined plans by any state agency for the use of the building for the agency's mission for the next fiscal year.

Sec. 4. Section 72-813, Revised Statutes Supplement, 1994, is amended to read:

72-813. Each state agency shall by September 15 of each year submit to the State Building Administrator a list of all state-owned buildings and land for which it is responsible and shall note the current and planned uses of each building and parcel of land. The State Building Administrator shall compile the information on state-owned buildings and land and provide it, along with any other information or recommendations he or she may consider relevant to the purposes of sections 72-811 to 72-817 and section 1 of this act, to the committee and to the Legislative Fiscal Analyst.

The committee shall meet to review the information and consider further action or possible amendments to orders made pursuant to this section. If the committee determines that there is reason to believe that any particular state-owned building or piece of land is vacant or excess, the committee shall review the status of the building or land and by majority vote determine whether it should be declared vacant or excess.

If the committee declares a building or land to be vacant or excess, it shall order either maintenance of the building or land by the state building division of the Department of Administrative Services or the disposal of the building or land through sale, lease, demolition, or otherwise. Any order for disposal of a building may include related lands. In determining the appropriate action to be taken in regard to a building or land, the committee shall consider the benefits to the state of the alternative possible actions, including cost-effectiveness, other possible future uses of the building or land for state purposes, and the necessity or utility of the

building or land for the furtherance of existing or planned state programs.

Sec. 5. Section 72-816, Revised Statutes Supplement, 1994, is amended to read:

72-816. The Vacant Building and Excess Land Fund is hereby created. The Department of Administrative Services shall administer the fund which shall be used to pay for the maintenance of vacant state buildings and excess state land and for expenses related to the disposal of state buildings and land referred to the department by the committee pursuant to sections 72-811 to 72-817 and section 1 of this act. The fund shall consist of appropriations made to the fund and proceeds credited to the fund pursuant to section 72-815.

Funds may be transferred from the Vacant Building and Excess Land Fund to the General Fund at the direction of the Legislature. Any money in the Vacant Building and Excess Land Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

If there are insufficient funds in the fund to enable the department to fully implement the orders of the committee issued pursuant to sections 72-811 to 72-817 and section 1 of this act, the department shall implement them in the order which most efficiently meets the purposes of such sections.

Funds appropriated to the Task Force for Building Renewal shall not be used to carry out any of the purposes of such sections (1) unless the building would otherwise qualify for the use of such funds pursuant to the Deferred Building Renewal Act and (2) except for any expenses incurred by the administrator-consultant of the Task Force for Building Renewal in fulfilling his or her duties under such sections.

Sec. 6. Section 72-817, Reissue Revised Statutes of Nebraska, is amended to read:

72-817. Sections 72-811 to 72-817 and section 1 of this act shall apply to every state agency except the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, and the Board of Educational Lands and Funds, except that any such agency may elect to include under such sections any building or land for which it has responsibility. Such sections shall not apply to interests in real property held by the Department of Roads, ~~which is subject to section 39-1325.~~

Sec. 7. Original section 72-817, Reissue Revised Statutes of Nebraska, and sections 72-801, 72-811, 72-813, and 72-816, Revised Statutes Supplement, 1994, are repealed.