

LEGISLATIVE BILL 830

Approved by the Governor March 12, 1990

Introduced by Peterson, 21; Schellpeper, 18

AN ACT relating to public buildings and land; to amend sections 72-811 to 72-814, 72-816, and 72-817, Revised Statutes Supplement, 1988, and section 72-815, Revised Statutes Supplement, 1989; to change provisions relating to vacant state-owned buildings; to provide procedures for disposition of excess state-owned land; to define terms; to rename a committee and a fund; to eliminate a requirement for legislative approval of certain sales; to transfer funds; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 72-811, Revised Statutes Supplement, 1988, be amended to read as follows:

72-811. For purposes of sections 72-811 to 72-817:

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

(2) Excess, referring to land, shall mean (a) unused by any state agency for the purposes for which the land was acquired or received and (b) without current defined plans by any state agency for the use of the land for the next two years; and

(3) Vacant, referring to buildings, unless the context otherwise requires, vacant shall mean (1) (a) unoccupied, (2) (b) unused by any state agency for the purposes for which the building was designed, intended, or remodeled, and (3) (c) without current defined plans by any state agency for its use of the building for the next two years.

Sec. 2. That section 72-812, Revised Statutes Supplement, 1988, be amended to read as follows:

72-812. The Vacant Building and Excess Land Committee is hereby created. The committee shall be composed of the Director of Administrative Services and the administrator-consultant of the Task Force for Building Renewal created pursuant to section 81-174. When reviewing and considering action to be taken in regard to a particular building or piece of land, the

committee shall also include a representative of the state agency responsible for the building or land.

Sec. 3. That section 72-813, Revised Statutes Supplement, 1988, be amended to read as follows:

72-813. Each state agency shall by September 1 of each year submit to the State Building Administrator a list of all state-owned buildings and land ~~parcels~~ 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, to the ~~Vacant Building Committee~~ committee and to the Legislative Fiscal Analyst by October 1 of each year.

The ~~Vacant Building Committee~~ committee shall meet within sixty days of receiving the information 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, including the representative of the state agency responsible for the building or land, 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 ~~vacant~~ building may include related lands. In determining the appropriate action to be taken in regard to a ~~vacant~~ 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. 4. That section 72-814, Revised Statutes Supplement, 1988, be amended to read as follows:

72-814. When a building or land is declared vacant or excess by the ~~Vacant Building Committee~~ committee, the committee shall certify to the Director of Administrative Services its determination and order

in regard to the building and related lands or land. All responsibilities for and records of ownership of the building and related lands or land and all records of maintenance of the building or land shall be transferred as soon as possible to the Department of Administrative Services. The director shall immediately refer the matter to the appropriate division in the department for implementation of the order of the committee.

If, except that if the order includes the sale, lease, or other disposal of any building or land as an appropriate action, the director shall also seek immediate introduction of a bill in the next regular session of the Legislature to authorize the sale of the land. No land shall be sold unless the sale is authorized by the Legislature may execute any quitclaim deed, lease, or other instrument necessary to sell, lease, or dispose of the building or land. The director may reserve, in the best interest of the state, an easement, license, or other interest in the building or land for the state in such sale, lease, or disposal. The director may, at the expense of the state agency formerly responsible for the building or land, remove or order the agency to remove any movable property not attached to the building or land.

Sec. 5. That section 72-815, Revised Statutes Supplement, 1989, be amended to read as follows:

72-815. (1) The materiel division of the Department of Administrative Services shall be responsible for the sale, lease, or other disposal of the a building or land, whichever is determined to be the appropriate action by the Vacant Building Committee committee.

(a) If the a building is to be demolished, section 72-810 shall not apply, but the materiel division shall notify the State Historic Preservation Officer of such demolition at least thirty days prior to the beginning of the demolition or disassembly so that the officer may collect any photographic or other evidence he or she may find of historic value.

(b) If the a building or land is to be sold or leased, the materiel division shall cause an appraisal to be made of the building and related lands or land. The sale, lease, or other disposal of the building and related lands or land shall comply with all relevant statutes pertaining to the sale or lease of surplus state property, except that if the materiel division fails to receive an offer from a state agency in which the agency certifies that it (i) intends to use the building for the purposes for which it was designed,

intended, or remodeled or to remodel the building for uses which will serve the agency's purposes or (ii) intends to use the land for the purposes for which it was acquired or received, the materiel division shall then notify the Department of Economic Development that the property building or land is available for sale or lease so that the Department of Economic Development may refer to the materiel division any potential buyers or lessees of which the department may be aware. The materiel division may then sell or lease the property for at least its appraised price building or land by such method as is to the best advantage of the State of Nebraska, including auction, sealed bid, private sale, or public sale. The materiel division may use the services of a real estate broker licensed under the Nebraska Real Estate License Act. Priority shall be given to other political subdivisions of state government, then to persons contracting with the state or political subdivisions of the state who will use the building or land for middle-income or low-income rental housing for at least fifteen years, and then finally to referrals from the Department of Economic Development. All sales and leases shall be in the name of the State of Nebraska. The materiel division may, upon the advice of the state building division, provide that a deed of sale include restrictions on the property building or land to ensure that the use and appearance of the property building or land remain compatible with any adjacent state-owned property.

The proceeds of the sale or lease shall be deposited with the State Treasurer and credited to the Vacant Building and Excess Land Fund unless the state agency formerly responsible for the building or land certifies to the materiel division that the property building or land was purchased in part or in total from cash or federal funds, in which event, after the costs of selling or leasing the property building or land are deducted from the proceeds of the sale or lease and such amount is credited to the Vacant Building Fund fund, the remaining proceeds of the sale or lease shall be credited to the cash or federal account in the percentage used in originally purchasing the property building or land.

(2) The state building division of the Department of Administrative Services shall be responsible for the maintenance of the building or land if maintenance is determined to be the appropriate action by the committee and shall be responsible for maintenance of the building or land pending sale or

lease of the building or land. The state agency formerly responsible for the building shall continue to be responsible for the maintenance of the related land of the building-

Sec. 6. That section 72-816, Revised Statutes Supplement, 1988, be amended to read as follows:

72-816. The Vacant Building and Excess Land Fund is hereby created. The Department of Administrative Services shall administer the Vacant Building Fund 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 vacant state buildings and related lands land referred to the Department of Administrative Services by the Vacant Building Committee committee pursuant to sections 72-811 to 72-817. The Vacant Building and Excess Land Fund shall consist of appropriations made to the fund and proceeds credited to the fund pursuant to section 72-815. Such funds shall be accounted for in a separate program within the Department of Administrative Services.

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 fund Vacant Building and Excess Land Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 72-1276. If there are insufficient funds in the Vacant Building Fund fund to enable the department to fully implement the orders of the Vacant Building Committee committee issued pursuant to sections 72-811 to 72-817, 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.

Any money in the Vacant Building Fund on the effective date of this act shall be transferred to the Vacant Building and Excess Land Fund.

Sec. 7. That section 72-817, Revised Statutes Supplement, 1988, be amended to read as follows:

72-817. Sections 72-811 to 72-817 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 and related lands 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. 8. That original sections 72-811 to 72-814, 72-816, and 72-817, Revised Statutes Supplement, 1988, and section 72-815, Revised Statutes Supplement, 1989, are repealed.