

## LEGISLATIVE BILL 576

Approved by the Governor May 9, 1979

Introduced by Appropriations Committee, Warner, 25,  
Chmn.; Rumery, 42; Labeledz, 5; Hasebroock, 18;  
Cope, 36

AN ACT relating to the Department of Administrative Services; to change provisions for start of social security coverage; to provide for administrative expenses of a bureau; to change authorities and duties of the State Capitol custodian and administrator; to create a fund; to change cash funds to revolving funds; to change authority of the Accounting Administrator; to change provisions for reimbursement for expenses; to amend sections 68-603, 68-613, 81-1108.17, 81-1108.22, 81-1111, and 84-306.02, Reissue Revised Statutes of Nebraska, 1943, sections 81-1108.18 and 84-306.03, Revised Statutes Supplement, 1978, and section 84-306.01, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 578, Eighty-sixth Legislature, First Session, 1979; 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 68-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-603. The state agency, with the approval of the Governor, is hereby authorized to enter, on behalf of the State of Nebraska, into an agreement with the Secretary of Health, Education, and Welfare, consistent with the terms and provisions of sections 68-601 to 68-619, and sections 68-621 to 68-630, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of the state or any political subdivision thereof with respect to services specified in such agreement which constitute employment as defined in section 68-602, and the state agency, with the approval of the Governor, is further authorized to enter, on behalf of the State of Nebraska, into such modifications and amendments to such agreement with the Secretary of Health, Education, and Welfare, as shall be consistent with the terms and provisions of sections 68-601 to 68-619, and sections 68-621 to 68-630; Provided, that such modification or amendment shall be

necessary or desirable to secure the benefits and exemptions allowable to the State of Nebraska or any political subdivision thereof, or to any employee of the State of Nebraska or any political subdivision thereof, provided by the Social Security Act, the Federal Insurance Contributions Act, or the employee tax. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification, and termination of the agreement, administration, and other appropriate provisions as the state agency and Secretary of Health, Education, and Welfare shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that: (1) Benefits will be provided for employees whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act; (2) the state will pay to the Secretary of the Treasury of the United States, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages as defined in section 58-602, equal to the sum of the taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act; (3) such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into, except that ~~a modification entered into after December 31, 1954, and prior to January 1, 1958, may be effective with respect to services performed after December 31, 1954, or after a later date specified in such modification if a political subdivision made reports and payments for social security coverage of its employees to the Internal Revenue Service under the Federal Insurance Contributions Act, in the mistaken belief that such action provided coverage for the employees, such agreement shall be effective as of the first day of the first calendar quarter for which such reports were erroneously filed;~~ (4) all services which constitute employment as defined in section 68-602 and are performed in the employ of the state by employees of the state, shall be covered by the agreement; (5) all services which constitute employment as defined in section 68-602, are performed in the employ of a political subdivision of the state, and are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under

sections 68-608 to 68-611, shall be covered by the agreement, or services described in subdivisions (4) and (5) of this section; (6) as modified, the agreement shall include all services described in either subdivision (4) or subdivision (5), or both of these subdivisions of this section and performed by individuals to whom section 218 (c) (3) (c) of the Social Security Act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and (7) as modified, the agreement shall include all services described in either subdivision (4) or subdivision (5), or both of these subdivisions, of this section and performed by individuals in positions covered by a retirement system with respect to which the Governor has issued a certificate to the Secretary of Health, Education, and Welfare pursuant to subsection (2) of section 68-624.

Sec. 2. That section 68-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-613. The Contribution Fund shall be established and held separate and apart from any other funds or money of the state and shall be used and administered exclusively for the purpose of sections 68-601 to 68-619, and sections 68-621 to 68-630. Withdrawals from such fund shall be made solely for (1) payment of amounts required to be paid to the Secretary of the Treasury of the United States pursuant to an agreement entered into under sections 68-603 and 68-604; (2) payment of refunds provided for in section 68-607; and (3) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality; and (4) administrative expenses, from interest earnings only, of the social security administration bureau of the Department of Administrative Services. If interest earnings are not sufficient to cover administrative expenses of the social security administration bureau, the director may apply to the Legislature for supplemental money from the General Fund. - The Department of Administrative Services is hereby authorized to transfer interest earnings from the Contribution Fund to the Department of Administrative Services Cash Fund. Such interest earnings transferred shall only be used for payment of administrative expenses of the Social Security Administration Bureau.

Sec. 3. That section 81-1108.17, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.17. The Department of Administrative Services shall be the custodian of the State Capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska. To aid in the performance of his or her duties, as such custodian, the Director of Administrative Services shall appoint an administrator. The administrator, under the direction of the director, shall have complete control and all powers necessary to properly maintain the capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska. The administrator shall have the authority to develop, produce, and provide for free distribution or sale of books, brochures, pictures, slides, postcards, and other informational or promotional material concerning the capitol. The administrator shall have control over the money received from the sale of such material and from private or public donations. Such proceeds and donations shall be placed in the State Capitol-Restoration Department of Administrative Services Cash Fund, which is hereby created, and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition and the production of such promotional materials. Such projects shall be prescribed by the administrator and the State Building Advisory Committee pursuant to the approved six-year plan for the capitol building. The administrator, under the direction of the director, is authorized to lease space or to provide facilities for restaurants, cafeterias, or other services, and newsstands for the convenience of state officers and employees in the State Capitol or buildings leased when such space is not needed for public use. Proceeds from the operations and rental of such facilities shall be placed in the State Building Revolving Fund and shall be expended as necessary for the purpose of offsetting the costs of operating and maintaining such facilities. The administrator, under the direction of the director, is authorized to lease space or to provide facilities for the parking of state officers' and employees' vehicles as well as state-owned vehicles. He or she is authorized to lease, rent, or permit for use as apartments, dwellings, offices, and parking areas any or all of the property acquired for parking or for future building needs; Provided, that all leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy thereof shall cease; and provided further, that all money received as rent from any property acquired shall be paid into the state treasury and by the State Treasurer placed in the State

Building-Fund State Building Revolving Fund, except that receipts from parking charges shall be credited to the Capitol Buildings Parking Revolving Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors. The administrator shall develop a system of equitable billings and charges for parking facilities under his or her control and used by state employees and state vehicles. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to time credited to the Capitol Buildings Parking Revolving Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All money derived from any source other than that to be paid into the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, or the State---Capitol---Restoration Department of Administrative Services Cash Fund, or other appropriate revolving fund shall be paid into the state treasury and by the State Treasurer placed in the General Fund. He The administrator shall acquire a flag of the United States of America of suitable and convenient size. The colors of the flag shall be fast colors, and the cloth shall be of substantial material. He The administrator shall acquire, construct, and locate in a suitable place on the State Capitol proper, or its environs, a suitable flagstaff or pole upon which the flag of the United States of America shall be conspicuously displayed during the day season of each day of the year. The flag shall be so arranged on the staff or pole that it may be raised or lowered with ease. He The administrator shall see that all parts and apartments of the capitol and buildings leased are properly ventilated and kept clean and in order. He The administrator shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense. He The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the capitol and capitol grounds, state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska. He The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the capitol or on the capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska under his control, or for committing or threatening to commit a nuisance therein or thereon. He

The administrator shall keep in his or her office a complete record containing all plans and surveys of the capitol and capitol grounds, state laboratory and grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased by the State of Nebraska and of underground construction thereto.

Sec. 4. That section 81-1108.18, Revised Statutes Supplement, 1978, be amended to read as follows:

81-1108.18. In order to promote the public safety and welfare, the administrator shall adopt and promulgate rules and regulations governing the parking of motor vehicles on the approaches to the capitol and capitol grounds, and on the lands adjacent to the capitol grounds, owned or leased by the State of Nebraska and under the administrator's control. Such rules and regulations may limit, restrict, or prohibit parking thereon. Notwithstanding the provisions of article 9 of Chapter 84, such rules and regulations shall become effective upon posting notice of the same on or about the premises to be regulated. If any vehicle is found upon any regulated premises in violation of this section, or the rules and regulations adopted pursuant thereto, and the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. Violation of any such rules or regulations shall constitute a Class V misdemeanor.

Sec. 5. That section 81-1108.22, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108.22. (1) When any board, agency, commission, or department of the state government not otherwise specifically authorized by law shall use funds available for the purpose of renting office space outside of the State Capitol, the terms and location shall be approved by the Director of Administrative Services and the State Building Administrator in writing. A copy of all such lease contracts shall be kept on file by the respective state agency and shall be open to inspection by the Legislature and the public during normal business hours.

(2) The division shall have the responsibility of providing office space in leased and state-owned buildings in the proximity of the State Capitol or in other locations approved by the Governor. The administrator shall develop a system of charges to cover basic rental, maintenance, renovations, and operation of

such leased and owned properties. The charges to state agencies, boards, commissions, or departments of state government shall be paid from funds available for the purpose of renting space on a regular basis and placed in the Leased-Office-Building-Fund State Building Revolving Fund, which fund is hereby created. The administrator shall make payments for basic rentals, renovations, and maintenance and operational costs of such leased and owned buildings from the Leased--Office--Building--Fund State Building Revolving Fund.

(3) The charges for such leased and owned properties shall only be adjusted by the administrator on July 1. Prior to any adjustment in the system of charges, the Department of Administrative Services, on or before December 1 of the year preceding the effective date of such adjustment, shall provide written notification to the Clerk of the Legislature and the Legislative Fiscal Analyst of the proposed adjustment to the system of charges.

Sec. 6. That section 81-1111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1111. Subject to the supervision of the Director of Administrative Services, the Accounting Administrator shall have the authority to prescribe the minimum system of accounts and accounting to be maintained by the state and its departments and agencies, develop necessary accounting policies and procedures, coordinate all proposed financial systems and manage all accounting matters of the state's central system. There shall be created three separate bureaus to be supervised by the Accounting Administrator: The accounting bureau, the management systems and studies bureau, and the social security administration bureau.

(1) The accounting bureau shall be responsible for the preaudit and control of vouchers and payrolls in order to assure the legality of all transactions and to insure that all vouchers for payment are within the approved budget. It shall call to the attention of the director all vouchers or payments which seem to it to be in violation of the laws of the state and to the attention of the director and the budget administrator all vouchers for payments which are inconsistent with the approved budget. It shall undertake the writing of all warrants for the department and shall implement in all departments and agencies of state government an effective double entry ~~accrual~~ system of financial and budgetary control accounting for all revenue and expenditures of all departments and agencies of the state, which system

shall develop costs by programs, subprograms, activities or objects of expenditures and shall allow for comparison between budgeted and actual expenditure. ~~The accounting bureau shall also be responsible for maintaining a schedule of estimated cash receipts and disbursements, in the executive budget, for at least one year in advance, and for updating the schedule not less frequently than once each week.~~

(2) The management systems and studies bureau shall be responsible for reviewing activities of state agencies and departments to determine that adequate internal controls exist within all departments and agencies and to assure that proper accounting methods are employed. This bureau shall receive copies of all audits performed by or for the Auditor of Public Accounts of the financial status and conditions in all state departments and agencies and shall be responsible for assuring that defects and abuses uncovered by such audits are corrected as may be either necessary or desirable to safeguard public funds or to improve operating effectiveness, or both. This bureau shall be available to consult with all governmental departments and agencies in training their staff and developing efficient work flow within such departments and agencies, and shall provide such departments and agencies with appropriate accounting reports, summaries and analyses prepared by the accounting division as are necessary to effectively administer these departments and agencies.

(3) The social security administration bureau shall be responsible for the administration of social security responsibilities of the state. Its duties, powers and responsibilities, and its staff, equipment and records shall be subject to the supervision of the Accounting Administrator. The Accounting Administrator shall also be the state social security administrator.

Sec. 7. That section 84-306.01, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 578, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

84-306.01. Whenever any state officer, employee, or member of any commission, council, committee, or board of the state is entitled to be reimbursed for actual expenses incurred by him or her in the line of duty, ~~provided for in section 84-306.06, 84-306.07, or 84-306.08~~ he or she shall be required to present a claim each month therefor to the Director of Administrative Services. Each claim shall be fully itemized, including when, where, and why the expense was incurred and the actual amount involved. When reimbursement is claimed



for mileage by automobile, air travel by commercial carrier, air travel in airplanes chartered by the department or agency, or air travel by personally-rented airplane, the points between which such travel occurred, the times of arrival and departure, and the necessity and purpose of such travel shall be shown on such claim. When reimbursement is claimed for mileage by automobile, the license number, the owner of the automobile used, and the rate per mile being claimed shall also be shown on each claim. The Accounting Administrator may require less supporting detail for claims covered in this section, but shall not impose reporting requirements which exceed those listed, unless specifically authorized by other provisions of law.

~~7--which claim shall be fully itemized as to each charge, showing the date, name of hotel, if any, location of the expense, and the necessity therefor. When mileage by automobile is claimed, the points between which said mileage accrued, the time of arrival and departure, the necessity and purpose therefor, the license number and owner of the automobile so used, and the rate per mile shall be shown on such claim. When reimbursement for expenses incurred in air travel by commercial carrier is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, and the actual expense of such travel shall be shown on such claim. When reimbursement for expense incurred in air travel in airplanes chartered by the department or agency is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, and the actual expense of such travel shall be shown on such claim. When reimbursement for expenses incurred in air travel by personally-rented airplane is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, and the actual expense of such travel shall be shown on such claim. No claim shall be submitted by an individual including the cost of air transportation for an expense when such cost expense has been paid by direct voucher from the agency or department concerned. When such cost of air transportation has been paid by the individual and is submitted for reimbursement, a receipt for the amount of the expenditure for the cost of air transportation shall be attached to the voucher. When reimbursement for expenses incurred in air travel by privately-owned airplane is claimed, at the convenience of the agency is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, the cost of operating the airplane at a rate rates per mile as established by the Department of Administrative Services, and the actual expense of such travel shall be shown on such claim.~~

When travel is by privately-owned airplane or personally-rented airplane, the approval of the Governor shall be obtained before such travel occurs. Such travel shall only be authorized when it is more economical than surface transportation or will result in a substantial savings of expense or productive time. When reimbursement-for-expenses-incurred-in-air-travel-by-a privately-owned-airplane-for-situations-other-than-at-the convenience-of-the-agency-is-claimed, the-points-between which-such-travel-occurred, the-time-of-arrival-and departure, the-necessity-and-purpose-of-such-travel, the cost-of-operating-the-airplane-at-a-rate-per-mile-as established-by-the-Department-of-Administrative-Services, and-the-actual-expense-of-such-travel-shall-be-shown-on such-claim. The statement of expenses shall be duly verified and supported by receipts for all of such expenditures, except meals and immaterial items identified by the director, for which reimbursement is claimed. No charge for mileage shall be allowed when such mileage accrues while using an automobile owned by the State of Nebraska. No personal maintenance expenses shall be allowed to any state officer, employee, or member of any commission, council, committee, or board of the state when such expenses are incurred in the city or town wherein the residence or headquarters of such individual is located, except that individuals required to attend official functions, meetings, or hearings, not to include normal day-to-day operations of the department, agency, commission, council, committee, or board in the headquarters city when the individual's primary work location and city of residence is other than the headquarters city, shall be reimbursed in accordance with policies established by the Director of Administrative Services.

Sec. 8. That section 84-306.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-306.02. In examining the vouchers, bills, and claims as provided for in section 84-306.01, no such voucher, bill, or claim for mileage travel expenses shall be approved unless written requisition authorization for the same shall have been given by the (1) director, deputy director, or other titular head of the several state administrative departments, (2) elective or appointive state officer, (3) chairman chairperson of the a state board--or commission, council, committee, or board, or (4) titular head or proper disbursing officer of any other state expending agency, including the University of Nebraska, state colleges, and state institutions, for-and-in-behalf-of-whose-department, office, or-institution--mileage--and--expense--money--are

~~required, before such mileage and other traveling expense shall be incurred, except that such prior authority need not be obtained by peace officers of the State of Nebraska. When travel is by privately-owned airplane or personally-rented airplane, the approval of the Governor shall be obtained before such travel occurs. Such travel shall only be authorized when it is more economical than surface transportation or will result in a substantial saving of productive time.~~

Sec. 9. That section 84-306.03, Revised Statutes Supplement, 1978, be amended to read as follows:

84-306.03. (1) If a trip or trips, included in an expense claim filed under sections 84-306.01 and 84-306.02, are made by personal automobile or otherwise, only one mileage claim shall be allowed for each mile actually and necessarily traveled in each calendar month by the most direct route, regardless of the fact that one or more persons are transported in the same motor vehicle. Reimbursement on such claims shall be computed on the following basis: If a trip is made by personal automobile at the convenience of the agency involved, the reimbursement rate shall be sixteen cents per mile. If a trip is made by personal automobile primarily at the convenience of the state officer or employee, as previously agreed upon by the officer or employee and the agency involved, the reimbursement rate shall be the prevailing rate established by the transportation services bureau of the Department of Administrative Services. Funds expended for parking may be claimed in addition to mileage.

~~(2) Such requisition, provided for in section 84-306.02, shall direct the payment of mileage on the basis of the actual cost of travel by rail or bus, where economical or practical and if the mileage expense may be reduced thereby, and shall further direct combined trips with mileage prorated wherever possible. The payment of mileage shall be limited to the actual cost of travel at the rates established in subsection (1) of this section or the cost of commercial transportation, whichever is less. Savings of productive time shall be taken into consideration when making the comparison. No additional rate of mileage shall be allowed to state inspectors or others who carry state equipment by motor vehicle, regardless of the weight thereof.~~

Sec. 10. On July 1, 1979, the unexpended balance (1) in the Leased Office Building Fund is hereby transferred to the State Building Revolving Fund, (2) in the State Capitol Restoration Fund is hereby transferred to the Department of Administrative Services Cash Fund,

and (3) in the Capitol Buildings Parking Fund is hereby transferred to the Capitol Buildings Parking Revolving Fund.

Sec. 11. This act shall become operative on July 1, 1979.

Sec. 12. That original sections 68-603, 68-613, 81-1108.17, 81-1108.22, 81-1111, and 84-306.02, Reissue Revised Statutes of Nebraska, 1943, sections 81-1108.18 and 84-306.03, Revised Statutes Supplement, 1978, and section 84-306.01, Revised Statutes Supplement, 1978, as amended by section 1, Legislative Bill 578, Eighty-sixth Legislature, First Session, 1979, are repealed.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.