

LEGISLATIVE BILL 779

Approved by the Governor April 10, 2012

Introduced by Lautenbaugh, 18.

FOR AN ACT relating to government agencies; to amend sections 81-1008, 81-1008.01, 81-1010, 81-1011, 81-1015, 81-1016, 81-1018, 81-1019, 81-1020, 81-1021, 81-1023, and 81-1025, Reissue Revised Statutes of Nebraska, and sections 81-1017 and 81-1108.17, Revised Statutes Cumulative Supplement, 2010; to define terms; to change provisions relating to state-owned vehicles; to provide for renting vehicles for state use; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 81-1008, Reissue Revised Statutes of Nebraska, is amended to read:

81-1008 There is hereby created within the Department of Administrative Services the transportation services bureau which shall provide service and guidance to all state agencies in the utilization, operation, and servicing of ~~state-owned~~ bureau fleet vehicles and the utilization of privately owned vehicles used for state purposes. The transportation services bureau shall be responsible for monitoring all transportation requirements of the state and maintaining complete records thereon.

Sec. 2. Section 81-1008.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1008.01 The ~~purpose~~ purposes of the transportation services bureau ~~is~~ are to centralize title to and insure efficient utilization and proper maintenance of all state-owned ~~passenger~~ vehicles, to rent passenger vehicles from a third party fleet primarily for transporting state employees from one job location to another, and to provide vehicle transportation services to all state agencies, boards, and commissions.

Sec. 3. Section 81-1010, Reissue Revised Statutes of Nebraska, is amended to read:

81-1010 The chief of the transportation services bureau shall have the following duties and responsibilities:

(1) To establish standards ~~for~~ which a state agency must ~~qualify~~ meet for the full-time assignment of state-owned ~~motor~~ vehicles;

(2) To create a motor pool or motor pools of bureau fleet vehicles for the use of agencies whose travel requirements do not meet the ~~qualifications set out in~~ standards established under subdivision (1) of this section;

(3) To repair, maintain, and lease to state agencies ~~all state-owned~~ vehicles owned by the transportation services bureau and approve the acquisition, sale, or trade of each and every state-owned vehicle made by the materiel division of the Department of Administrative Services. The bureau may provide for repair and maintenance pursuant to subdivision (8) of this section;

(4) To consult with the various state agencies using ~~state~~ bureau fleet vehicles and write specifications for state-owned vehicles to be purchased by the materiel division;

(5) To provide for the purchase only of state-owned vehicles used primarily for the transportation of state employees from funds received from the sale of surplus ~~passenger-carrying motor~~ state-owned vehicles;

(6) To present to the accounting division of the Department of Administrative Services cost and maintenance records of state-owned vehicles and cost records of rented bureau fleet vehicles so that the various state agencies which use ~~state-owned~~ bureau fleet vehicles may be billed for such use. Income arising from these billings shall be deposited to the Transportation Services Bureau Revolving Fund, which fund is hereby created. All expenses of acquisition, operation, and maintenance of state-owned vehicles used primarily for transportation of state employees and of rental of bureau fleet vehicles shall be paid from such fund. Money in the Transportation Services Bureau Revolving Fund may be transferred to the General Fund at the direction of the Legislature. The Department of Administrative Services shall develop a system of time and mileage charges for the purpose of billing the various state agencies for their vehicle usage. The daily, weekly, or monthly charge shall cover all fixed expenses of such vehicles, and the mileage charge shall cover the variable costs of operation;

(7) To monitor the utilization of permanently assigned ~~motor~~ bureau fleet vehicles and enforce minimum utilization standards by withdrawing

permanently assigned ~~motor~~ bureau fleet vehicles from agencies which are not meeting ~~such~~ the standards established under subdivision (1) of this section;

(8) To enter into service agreements for the repair and maintenance of ~~bureau-controlled motor~~ bureau fleet vehicles when it ~~determines is determined that~~ such action would be to the economic advantage of the state; and

(9) To insure compliance with section 81-1021 for all ~~bureau-owned state-owned~~ vehicles; and-

(10) To enter into rental agreements with any third-party fleet owner in the name of the State of Nebraska for passenger vehicles for use primarily for transportation of state employees for transportation in their official duties from one job location to another when it is determined that such action would be to the economic advantage of the state.

Sec. 4. Section 81-1011, Reissue Revised Statutes of Nebraska, is amended to read:

81-1011 ~~State-owned vehicles are defined for the purpose For~~ purposes of sections 81-1008 to 81-1017 as all 81-1025:

(1) Bureau means the transportation services bureau of the Department of Administrative Services;

(2) Bureau fleet vehicle includes any state-owned vehicle and any passenger vehicle rented from a third-party fleet owner for use by a state employee for transportation in his or her official duties from one job location to another; and

(3) (a) State-owned vehicle means all passenger vehicles acquired primarily for the purpose of transporting state employees in their official duties from one job location to another, but shall

(b) State-owned vehicle does not include special-use vehicles, such as buses, laundry trucks, mail trucks, airport security vehicles, or military trucks, and cars; vehicles which are considered a duty station, such as vehicles used by the Nebraska State Patrol, the Nebraska Oil and Gas Conservation Commission, or ~~game wardens,~~ conservation officers of the Game and Parks Commission; or those vehicles which, by nature of their usage, require the installation or carrying of special equipment which precludes the use of such vehicles for multiple agency transportation usage.

Sec. 5. Section 81-1015, Reissue Revised Statutes of Nebraska, is amended to read:

81-1015 Subject to the provisions of section 81-1013, the ~~transportation services~~ bureau shall own and hold title, in the name of the State of Nebraska, to all state-owned licensable ~~passenger~~ vehicles. All purchases of state-owned ~~passenger~~ vehicles and automotive equipment shall be made or approved by the ~~transportation services~~ bureau. The Director of Administrative Services shall not approve any voucher for the purchase of any passenger car unless submitted by the ~~transportation services~~ bureau.

Sec. 6. Section 81-1016, Reissue Revised Statutes of Nebraska, is amended to read:

81-1016 The ~~transportation services~~ bureau shall adopt and promulgate rules and regulations necessary to administer ~~the provisions of~~ sections 81-1008 to ~~81-1017.~~ 81-1025.

Sec. 7. Section 81-1017, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1017 ~~The provisions of sections~~ Sections 81-1008 to ~~81-1017 shall~~ 81-1025 do not apply to any court or the motor vehicles thereof, ~~but except that~~ such vehicles shall be titled as provided in section 81-1013.

Sec. 8. Section 81-1018, Reissue Revised Statutes of Nebraska, is amended to read:

81-1018 (1) The Legislature hereby declares that the purpose and intent of this section are to take positive steps to reduce the consumption of gasoline in this state and to make the most efficient and economical use of the nation's resources and the state's funds.

(2) After August 24, 1975, all state-owned ~~passenger cars,~~ except these vehicles which are considered duty stations as defined in section 81-1011, purchased, leased, rented, or approved for purchase, ~~or lease, or rent~~ by the ~~transportation services~~ bureau shall be of the intermediate, compact, or subcompact class. Not less than fifty percent of such ~~passenger cars~~ state-owned vehicles shall be of the compact or subcompact class unless the costs to operate and maintain such ~~passenger cars~~ vehicles are not to the advantage of the state or such requirement fails to meet the intent of sections ~~81-1011, 81-1015, 81-1017, and 81-1018.~~ 81-1008 to 81-1025. For purposes of this section, classes shall be as defined by motor vehicle manufacturers.

Sec. 9. Section 81-1019, Reissue Revised Statutes of Nebraska, is amended to read:

81-1019 (1) Any person using a bureau fleet vehicle owned by the transportation services bureau shall, whenever possible, obtain fuel from state-owned facilities.

(2) The bureau may place a surcharge on any agency whose employees have not complied with subsection (1) of this section.

Sec. 10. Section 81-1020, Reissue Revised Statutes of Nebraska, is amended to read:

81-1020 Any agency which has a permanently assigned bureau fleet vehicle owned by the transportation services bureau shall, prior to assigning such vehicle to an employee on a twenty-four-hour basis, obtain written approval from the chief of the transportation services bureau.

Sec. 11. Section 81-1021, Reissue Revised Statutes of Nebraska, is amended to read:

81-1021 (1) All motor vehicles acquired by the State of Nebraska except any vehicle rented as a bureau fleet vehicle shall be indelibly and conspicuously lettered, in plain letters of a contrasting color or reflective material:

(a) On each side thereof with the words State of Nebraska and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state expending agency of the state to which the motor vehicle belongs; and

(b) On the back thereof with the words State of Nebraska.

(2) This section shall not apply to motor vehicles used or controlled by:

(a) The Nebraska State Patrol, the Public Service Commission, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, inspectors employed by the Nebraska Liquor Control Commission, and persons employed by the Tax Commissioner for state revenue enforcement purposes, the exemption for state law enforcement purposes and state revenue enforcement purposes being confined strictly to the seven agencies specifically named;

(b) The Department of Health and Human Services or the Department of Correctional Services for the purpose of apprehending and returning escaped offenders or parole violators to facilities in the Department of Correctional Services and transporting offenders and personnel of the Department of Correctional Services and patients and personnel of the Department of Health and Human Services who are engaged in off-campus program activities;

(c) The Military Department;

(d) Vocational rehabilitation counselors and the Department of Health and Human Services for the purposes of communicable disease control, for the prevention and control of those communicable diseases which endanger the public health, or used by the Department of Health and Human Services in the enforcement of drug control laws or for other investigation purposes;

(e) The Department of Agriculture for special investigative purposes;

(f) The Nebraska Motor Vehicle Industry Licensing Board for investigative purposes; and

(g) The Insurance Fraud Prevention Division of the Department of Insurance for investigative purposes.

Sec. 12. Section 81-1023, Reissue Revised Statutes of Nebraska, is amended to read:

81-1023 Any employee or officer of the State of Nebraska who operates or has under his or her control any state-owned ~~motor~~ vehicle, any other motor vehicle acquired by the State of Nebraska, or any ~~ex~~ unit of road machinery, which is not numbered, lettered, or marked as required by section 81-1021, or who violates any of the other provisions of sections 60-3,105, 60-3,106, 81-1021, and 81-1022 shall be deemed guilty of official misconduct in office for a palpable omission of duty and upon conviction thereof shall be guilty of a Class II misdemeanor. The ~~and~~ court shall have the power to add to the judgment that any officer so convicted shall be removed from office or employment.

Sec. 13. Section 81-1025, Reissue Revised Statutes of Nebraska, is amended to read:

81-1025 (1) Each operator of a state-owned ~~motor~~ bureau fleet vehicle, except a special-use vehicle as prescribed in section 81-1011 or a motor vehicle in which a state agency holds the title, shall report the points between which the ~~motor~~ bureau fleet vehicle traveled each time used, the odometer readings at such points, the time of arrival and departure, the necessity and purpose for such travel, the license number of such ~~motor~~ vehicle, and the department to which such ~~motor~~ vehicle belongs. is assigned.

(2)(a) Each operator of a special-use vehicle as prescribed in

section 81-1011 or a motor vehicle in which a state agency other than the bureau holds the title shall follow the policy and use the travel report form which shall be established by the director or designated head of the state agency owning such vehicle. The form shall include, but not be limited to, the name of the operator, the license number of the vehicle, the total daily mileage or total hours of daily operation, and any other information the director or designated head deems relevant.

(b) State agencies leasing or renting ~~motor~~ bureau fleet vehicles from the ~~transportation services~~ bureau pursuant to sections 81-1008.01 and 81-1010 shall be required to report ~~motor~~ bureau fleet vehicle usage pursuant to subsection (1) of this section on travel forms prescribed by the chief of the transportation services bureau.

(3) Such travel reports shall be transmitted at the end of each month by every operator to the director or designated head of the operator's state agency, and such reports, after review by the director or designated head of the agency, shall be retained by the agency except the travel reports on ~~motor~~ bureau fleet vehicles leased or rented from the ~~transportation services~~ bureau. The travel reports on ~~motor~~ bureau fleet vehicles leased or rented from the ~~transportation services~~ bureau shall be transmitted to the chief of ~~such~~ the transportation services bureau on or before the seventh day of the month following such use of a ~~motor~~ bureau fleet vehicle.

(4) Such travel reports shall thereafter be open to public inspection for a period of two years, after which they may be destroyed, except that when public inspection of a particular record would be detrimental to the investigation of a criminal case, such particular record shall be withheld from public inspection upon written certificate to that effect by the head of the law enforcement agency concerned.

(5) For purposes of this section, state agency shall include an agency, department, board, bureau, or commission of the state except the transportation services bureau.

Sec. 14. Section 81-1108.17, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1108.17 (1) The Department of Administrative Services shall be the custodian of the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

(2) To aid in the performance of his or her duties, 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 state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

(3) Except as provided in the act, the administrator, under the direction of the director, is authorized to (a) lease space or provide facilities for the parking of state officers' and employees' vehicles as well as ~~state-owned~~ bureau fleet vehicles as defined in section 81-1011, (b) 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, (c) lease state property to the federal government or political subdivisions of the state using the system of charges in subsection (4) of this section, and (d) lease state property to a private entity to provide services necessary for state operations or for the convenience of state officers and employees when the space is not needed for public use. All leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy of the property shall cease. All money received as rent from any property acquired shall be remitted to the State Treasurer and credited to the State Building Revolving Fund, except that receipts from parking charges for employee, public, and state vehicle parking 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.

(4) The system of charges for state buildings and facilities shall include an amount sufficient to (a) accurately reflect operating costs, including routine maintenance and repair costs, and (b) fund building renewal projects under the Deferred Building Renewal Act and renovation, remodeling, and repair projects beyond the scope of the act. The proceeds received under subdivision (a) of this subsection shall be remitted to the State Treasurer for credit to the State Building Revolving Fund. The proceeds

received under subdivision (b) of this subsection shall be remitted to the State Treasurer for credit to the State Building Renewal Assessment Fund. 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 system of charges shall include an amount sufficient to cover the operating, maintenance, and repair costs associated with the parking facilities. 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 credited to the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, the State Building Renewal Assessment Fund, or other appropriate revolving fund shall be remitted to the State Treasurer and credited to the General Fund.

(5) The administrator shall see that all parts and apartments of the buildings leased are properly ventilated and kept clean and in order.

(6) The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act. 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 state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance in or on the buildings or lands.

(7) The administrator shall keep in his or her office a complete record containing all plans and surveys of the state laboratory and grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska and of underground construction under such buildings and lands. This subsection shall not apply to the State Capitol and capitol grounds.

Sec. 15. Original sections 81-1008, 81-1008.01, 81-1010, 81-1011, 81-1015, 81-1016, 81-1018, 81-1019, 81-1020, 81-1021, 81-1023, and 81-1025, Reissue Revised Statutes of Nebraska, and sections 81-1017 and 81-1108.17, Revised Statutes Cumulative Supplement, 2010, are repealed.