

LEGISLATIVE BILL 675

Approved by the Governor April 23, 1971

Introduced by Robert L. Clark, 47th District; Herbert J. Duis, 39th District

AN ACT to amend sections 72-706, 81-1108, 81-1120.02, 81-1120.03, 81-1120.06, 81-1120.09, and 81-1120.10, Revised Statutes Supplement, 1969, relating to telecommunications; to provide that the telecommunications director shall control telephone and telecommunications equipment in the State Capitol and the Telephone Expense Revolving Fund; to rename the telecommunications division as a bureau; to conform provisions with previous legislation; and to repeal the original sections.

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

Section 1. That section 72-706, Revised Statutes Supplement, 1969, be amended to read as follows:

72-706. The Department of Administrative Services shall be the custodian of the State Capitol and capitol grounds, the Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased pursuant to section 72-718.01 by the State of Nebraska. To aid in the performance of his duties as such custodian, the Director of Administrative Services shall appoint a Superintendent of Buildings and Grounds. The superintendent, under the direction of the director, shall have complete control and all powers necessary to properly maintain the capitol and capitol grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased pursuant to section 72-718.01 by the State of Nebraska. He shall have complete control of all furniture and equipment therein, except telephone and telecommunications equipment and equipment and furniture of the Legislature and of the Supreme Court. The superintendent, 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 pursuant to section 72-718.01 when such space is not needed for public use. He is authorized to lease, rent, or permit for use as apartments, dwellings, offices, and

parking areas any or all of the property acquired for future building needs under the authority of subdivision (6) of section 72-1007, Revised Statutes Supplement, 1961; 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 under the provisions of subdivision (6) of section 72-1007, Revised Statutes Supplement, 1961, shall be paid into the state treasury and by the State Treasurer placed in the State Building Fund. All collections for payment of telephone expenses shall be placed in the Telephone Expense Revolving Fund which is hereby created. Expenditures shall be made from the Telephone Expense Revolving Fund for the payment of telephone expenses subject to appropriations by the Legislature. Such payment shall be made by the ~~Superintendent-----of-----Buildings-----and-----Grounds~~ telecommunications director. All money derived from any source other than that to be paid into the State Building Fund or the Telephone Expense Revolving Fund shall be paid into the state treasury and by the State Treasurer placed in the General Fund. He 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 shall acquire, construct, and locate in a suitable place on the State Capitol proper, or its environs, a suitable flag staff 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 shall see that all parts and apartments of the capitol and buildings leased pursuant to section 72-718.01 are properly ventilated and kept clean and in order. He shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense. He shall at all times have charge of and supervision over the police, janitors, and other employees in and about the capitol and capitol grounds, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased pursuant to section 72-718.01 by the State of Nebraska. He 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, Governor's Mansion and grounds, and all other buildings and lands adjacent to the capitol grounds owned or leased pursuant to section 72-718.01 by the State of

Nebraska under his control, or for committing or threatening to commit a nuisance therein or thereon. He shall keep in his office a complete record containing an itemized account of all state property, including furniture and equipment, under his care and control, and plans and surveys of the capitol grounds and of underground construction thereto.

Sec. 2. That section 81-1108, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1108. The Department of Administrative Services shall fulfill the functions in the administration of state government of fiscal control and of centralizing services. There shall be separate divisions within the department to assist in fulfilling these functions. The divisions shall be the accounting division and the budget division in the area of fiscal control, and shall be the data processing division, materiel division, capital buildings division, ~~telecommunications-division~~, and the general services division in the area of centralized services. The Director of Administrative Services shall appoint a separate administrator as head of each division. The director shall have the responsibility and authority for directing and coordinating the programs and activities of the several divisions, and shall be empowered to remove the administrators of any of the several divisions at his discretion. The director shall have the power to delegate authority for administration of the provisions of sections 81-1101 to 81-1129 to any of his division heads as he may deem appropriate except as otherwise provided by law.

Sec. 3. That section 81-1120.02, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1120.02. As used in sections 81-1120.01 to 81-1120.14, unless the context otherwise requires:

(1) Board shall mean the state telecommunications board;

(2) Director shall mean the telecommunications director;

(3) Division Bureau shall mean the telecommunications ~~division~~ bureau of the Department of Administrative Services;

(4) State Telecommunications System shall mean

the total telecommunications facilities and equipment owned, leased, or used by all departments, agencies, and subdivisions of state government; and

(5) Telecommunication shall mean any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

Sec. 4. That section 81-1120.03, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1120.03. There is hereby created, within the Department of Administrative Services, a telecommunications division bureau to be headed by a telecommunications director. The Director of Administrative Services shall appoint as telecommunications director any person who has not less than three years' experience in a position or positions which include responsibility for management, purchase, lease, or control of telecommunications for a private or governmental enterprise. No person shall hold the position of telecommunications director who is directly or indirectly interested in any telecommunications common carrier or other company engaged in the furnishing of telecommunication services or facilities, but investment in stock of a telecommunications common carrier in an amount determined by the Director of Administrative Services to be not significant shall not be considered disqualifying.

Sec. 5. That section 81-1120.06, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1120.06. The division bureau shall have authority to purchase or lease telecommunications facilities, services, or channels on terms which are for the best interests of the State of Nebraska. In making the decision as to what proposal is for the best interests of the state, the decision of the division bureau shall be based upon, but not necessarily limited to, (1) the total cost to the state, computed in accordance with accepted governmental cost accounting procedures taking into account taxes to be paid or foregone, interest rates, and obsolescence; (2) the quality of the service offered; (3) the comprehensiveness of the proposed facilities or plan; (4) the financial responsibility of the supplier or carrier submitting the proposal; (5) the repair and

maintenance capabilities of the supplier or carrier; (6) the experience as a telecommunications carrier or supplier, as applicable; and (7) the alternate methods or facilities available.

Sec. 6. That section 81-1120.09, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1120.09. There is hereby established a revolving fund to be known as the Telecommunications Revolving Fund. Appropriations made to the Department of Administrative Services for the purposes of sections 81-1120.01 to 81-1120.14 shall be credited to the revolving fund. All funds received under the provisions of sections 81-1120.01 to 81-1120.14, and all funds received for telecommunications services provided to any agency, department or other user shall be credited by the division bureau to such revolving fund. The division bureau shall, under policies and procedures established by the director, expend funds from time to time credited to the Telecommunications Revolving Fund for the telecommunications purposes enumerated in sections 81-1120.01 to 81-1120.14.

Sec. 7. That section 81-1120.10, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1120.10. Sections 81-1120.01 to 81-1120.14 shall not apply to the Nebraska educational television network except for such services or assistance as may be mutually beneficial and agreed upon by and between the telecommunications division bureau and the Nebraska Educational Television Commission. Under conditions of emergency declared by the Governor, the communications resources of the Nebraska educational television network shall be coordinated with the State Telecommunications System, as directed by the Governor, so as to provide full use of available services in the rendering of public assistance and providing aid and protection to life and property.

Sec. 8. That original sections 72-706, 81-1108, 81-1120.02, 81-1120.03, 81-1120.06, 81-1120.09, and 81-1120.10, Revised Statutes Supplement, 1969, are repealed.