

## LEGISLATIVE BILL 543

Approved by the Governor June 8, 1993

Introduced by Moore, 24

AN ACT relating to the intergovernmental data services; to amend sections 81-2301, 81-2304, 81-2306, and 81-2307, Reissue Revised Statutes of Nebraska, 1943, section 81-1107, Revised Statutes Supplement, 1992, as amended by section 2, Legislative Bill 544, Ninety-third Legislature, First Session 1993, and section 81-1108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to create a division and a fund; to define terms; to provide powers and duties for the division; to provide for a statewide intergovernmental data services system; to provide duties for the Director of Administrative Services; to change and provide powers and duties and change membership provisions of the Intergovernmental Data Communications Advisory Council; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. There is hereby created the intergovernmental data services division which shall be a division of the Department of Administrative Services.

Sec. 2. For purposes of sections 1 to 5 of this act:

(1) Administrator shall mean the administrator of the intergovernmental data services division of the Department of Administrative Services;

(2) Application shall mean a computer program that provides a specific service to the user. The term shall include the applications specified in Laws 1989, LB 814, section 54, and all applications of statewide or intergovernmental benefit subject to the review set forth in subdivision (2) of section 4 of this act;

(3) Department shall mean the Department of Administrative Services;

(4) Director shall mean the Director of Administrative Services;

(5) Division shall mean the intergovernmental data services division of the Department of Administrative Services;

(6) Intergovernmental data services system shall mean the installation and use of applications on a computer network that allows for the intergovernmental transfer of data, automation of multijurisdictional functions, and integration of governmental entities that involve multiple

locations separated by long distances. The term shall include computers that serve as platforms for statewide applications, cabling, other equipment essential to operating the computers, and operating programs that allow the computers to function. The term shall not include any applications;

(7) Local application shall mean a computer program intended for use at the local government or state agency level, not of intergovernmental use, serving only limited local needs, and proposed to be resident on only a limited part of the system;

(8) Peripheral device shall mean equipment that connects to the system to allow local use and access to applications on the system. Peripheral devices shall include, but not be limited to, microprocessors, word processors, desktop computers, terminals, and printers; and

(9) System shall mean the intergovernmental data services system.

Sec. 3. The purpose of the system is to allow for the efficient operation of state government and its political subdivisions. In managing and allocating resources on the system, the division shall assign first priority to providing capacity for statewide applications that are essential to carrying out the duties of state agencies in an efficient and effective manner. The system may also serve local data processing needs of political subdivisions, provide citizens with a point of access to governmental services and information, and serve other state and local needs, subject to available resources.

Sec. 4. In establishing and maintaining the system, the division shall exercise the following duties and powers:

(1) The division shall obtain the computer network and services for the system from the division of communications and the data processing division of the Department of Administrative Services;

(2) The administrator shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the administrator that (a) examines the cost-effectiveness, technical feasibility, and potential use of the proposed application, (b) identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation, and (c) provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The administrator shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost-effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible;

(3) The administrator shall approve changes in the design of applications by state agencies for use on the system. The administrator may require such information from the agency as necessary to determine that the proposed change in design is cost-effective and technically feasible, that funding is available, and that the proposed schedule for

implementation is reasonable and feasible;

(4) The administrator, with the approval of the director, may contract with other governmental entities or private vendors in carrying out the duties of the division;

(5) The administrator, in cooperation with the division of communications and the data processing division of the Department of Administrative Services, shall establish a rate schedule that reflects the rates adopted by the division of communications and the data processing division, plus any additional costs of the intergovernmental data services division for the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment or services, or a combination of these factors. The administrator may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation;

(6) The administrator shall submit as part of the biennial budget request of the department a listing of all applications submitted for consideration, cost estimates for development, testing, and full operation of each application, a recommended priority listing of the applications for which an evaluation is completed, and funding recommendations by application contained within the budget request for the division. All application estimates and requests shall be scheduled over ensuing fiscal years such that annual projected costs and completion of application phases to the point of fully operational status can be clearly determined. Local applications shall not be subject to the provisions of this subdivision;

(7) Ownership of the system, applications, and peripheral devices purchased or developed by the expenditure of state funds shall be vested with the state, and the responsibility for its proper operation shall be vested with the director and administrator;

(8) The administrator, with the approval of the director, may enter into agreements with other state and local governments, the federal government, or private sector entities for the purpose of sale, lease, or licensing for third-party resale of applications and system design. Proceeds from such agreements shall be deposited to the Data Systems Cash Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. The fund may be expended for application-related purposes for which the Legislature makes a specific appropriation. The fund may be used to subsidize the cost of operating existing applications, for lowering rates charged to participating state agencies and counties, or for the purpose of new application development;

(9) The budget division of the Department of Administrative Services shall administratively create such cash and revolving funds as may be required to properly account for the receipt of charges for use of applications and the payment of expenses for operation of the system. It is the intent of the Legislature that operations of the system shall be fully financed by user charges with the exception of

development costs for new applications and initial costs of operation as applications progress to full operating status and are unable to generate sufficient fee revenue to finance operating costs;

(10) No local application shall be resident or operational in any component of the system without explicit authorization of the administrator;

(11) All development costs for approved new applications shall be budgeted and appropriated to the division or to participating state agencies at the discretion of the Legislature. Agencies may independently request appropriations for such application development, however such requests shall be subject to the review and prioritization set forth in subdivision (2) of this section, and at such time as the application becomes an authorized application and funded by the Legislature, the cost of such development shall be appropriated to the division or to participating state agencies. To the extent possible, if agency cash or revolving funds or federal funds may be used for application development, such funds may be transferred to the division and expended for application development in order to properly account for all costs associated with application development;

(12) The administrator shall approve or disapprove the attachment of any peripheral device to the system and may prescribe standards and specifications that such devices must meet;

(13) The administrator shall adopt and promulgate such rules, regulations, guidelines, and procedures to carry out this section;

(14) All communications and telecommunications services for the division and the system shall be secured from the division of communications of the Department of Administrative Services;

(15) Activities and responsibilities of the intergovernmental data services division shall be coordinated with the functions of the data processing and communications divisions of the department. Overlap and duplication of technical services among the divisions in supporting the system, its applications, and application development shall be minimized; and

(16) All historical accounts, fund balances, and assets contained in or obtained through expenditures incurred under Agency 65, Department of Administrative Services, Program 170, County Automation Project, shall be transferred to the division on the effective date of this act.

Sec. 5. The director shall provide a status report to the Governor and the Clerk of the Legislature on or before December 30, 1993. The report shall include, but not be limited to, (1) cost and revenue projections through FY1994-95, (2) current status and projected schedule for the implementation and use of all applications by state agencies, (3) use of state and local applications by counties, and (4) a plan for achieving financial self-sufficiency.

Sec. 6. That section 81-1107, Revised Statutes Supplement, 1992, as amended by section 2, Legislative Bill 544, Ninety-third Legislature, First Session, 1993, be amended to read as follows:

81-1107. The Director of Administrative Services is hereby

vested with the duties, powers, and responsibilities involved in:

(1) The preparation of the executive budget and execution of the approved budget except as otherwise provided by law, including a system of periodic allotments for the management and regulation of expenditures and making surveys and studies for the purpose of improving administrative procedures, methods, and organization;

(2) The keeping of general accounts and the adoption and promulgation of appropriate rules, regulations, and administrative orders designed to assure a uniform and effective system of accounts and accounting, the approval of all vouchers, and the preparation and issuance of warrants for all purposes;

(3) The review and approval of financing agreements for the purposes of protecting the credit of the state, insuring the most advantageous terms, providing for proper accounting of financial transactions, complying with the approved budget, and promoting sound financial management;

(4) The operation of such storerooms and warehouses as may be necessary;

(5) The allotment of space in the State Capitol building and other state office buildings to the various departments and agencies according to their needs and the space available as provided in sections 81-1108.21 and 81-1108.22;

(6) The supervision of telephone, mailing, messenger, duplicating, central data processing, and other like services adaptable to economical and centralized management; ~~and~~

(7) The planning, review, and preparation of a state capital construction budget; ~~and~~

(8) The development, maintenance, and operation of a statewide intergovernmental data services system.

The director shall adopt a seal. The director may contract with another state agency to furnish centralized mailing, messenger, duplicating, and printing services in the interest of economy and efficiency in government while retaining ultimate direction and control.

Sec. 7. That section 81-1108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, to read as follows:

81-1108. The Department of Administrative Services shall fulfill the functions in the administration of state government of fiscal control, of centralizing services, of personnel services, and of risk management. 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, the data processing division, materiel division, state building division, division of communications, ~~and~~ general services division, and intergovernmental data services division in the area of centralized services, the personnel division and the Division of Employee Relations in the area of personnel services, and the risk management and state claims division in the area of risk management. The Director of Administrative Services shall appoint a

separate administrator as head of each division other than the Division of Employee Relations. 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 other than the Chief Negotiator at his or her discretion. The director shall have the power to delegate authority for administration of sections 81-1101 to 81-1189, sections 81-1301 to 81-1390, and the Risk Management Program to any of the division heads as he or she may deem appropriate except as otherwise provided by law.

Sec. 8. That section 81-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2301. Sections 81-2301 to 81-2313 and section 12 of this act shall be known and may be cited as the Intergovernmental Data Communications Act.

Sec. 9. That section 81-2304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2304. There is hereby created the Intergovernmental Data Communications Advisory Council. The council shall consist of ~~twelve~~ thirteen members as follows:

(1) One person shall be a representative of the intergovernmental data services division of the Department of Administrative Services, who shall serve as the chairperson of the council;

(2) One person shall be a representative of the central data processing division of the Department of Administrative Services;

~~(2)~~ (3) One person shall be a representative of the division of communications of the Department of Administrative Services;

~~(3)~~ (4) One person shall be appointed by the Governor as a representative of state government;

~~(4)~~ (5) One person shall be appointed by the Executive Board of the Legislative Council as a representative of the Legislature;

~~(5)~~ (6) One person shall be appointed by the Chief Justice of the Supreme Court as a representative of the court system;

~~(6)~~ (7) Two elected county officials shall be appointed by the Governor as representatives of county government;

~~(7)~~ (8) Two elected city or village officials shall be appointed by the Governor as representatives of municipal government;

~~(8)~~ (9) One person shall be appointed by the Governor as a representative of the local data processing division of a political subdivision;

~~(9)~~ (10) One person shall be a representative of the Nebraska Natural Resources Commission data bank; and

~~(10)~~ (11) The State Records Administrator or his or her designee shall serve as an ex officio, nonvoting member.

Sec. 10. That section 81-2306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2306. ~~The representative of the central data processing division of the Department of Administrative Services shall call the first meeting of the council within forty five days after August 30, 1987. At the~~

~~first meeting, the~~ The council shall elect a chairperson and a vice-chairperson who shall ~~each~~ serve for one year. The council shall meet at least four times annually at the call of the chairperson or a majority of the members of the council. All meetings shall be open to the public.

Sec. 11. That section 81-2307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2307. The purpose of the council shall be to (1) assure the efficient collection, use, and exchange of information between state agencies and between state agencies and governmental subdivisions, (2) study and make recommendations concerning the data processing and communications needs of the state and its political subdivisions, (3) make recommendations of program design which would enhance data transfer between state agencies and between the state and its political subdivisions, ~~and~~ (4) coordinate the implementation of data processing applications involving multijurisdictional data processing projects, and (5) serve in an advisory capacity to the intergovernmental data services division of the Department of Administrative Services.

Sec. 12. The council shall coordinate and integrate its responsibilities and role with the responsibilities of the intergovernmental data services division of the Department of Administrative Services.

Sec. 13. That original sections 81-2301, 81-2304, 81-2306, and 81-2307, Reissue Revised Statutes of Nebraska, 1943, section 81-1107, Revised Statutes Supplement, 1992, as amended by section 2, Legislative Bill 544, Ninety-third Legislature, First Session, 1993, and section 81-1108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, are repealed.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.