

LEGISLATIVE BILL 921

Approved by the Governor March 13, 2006

Introduced by Schimek, 27

AN ACT relating to the Department of Administrative Services; to amend sections 81-1108.01, 81-1116, 81-1117.02, 81-1120.16, 81-1120.23, 84-1205.01, and 84-1228, Reissue Revised Statutes of Nebraska, sections 81-1108, 81-1117, 81-1120.02, 81-1120.03, 86-407, 86-461, 86-519, 86-521, 86-522, 86-523, 86-527, 86-539, 86-551, 86-555, 86-556, 86-557, 86-563, 86-564, 86-568, and 86-570, Revised Statutes Cumulative Supplement, 2004, and section 81-1423, Revised Statutes Supplement, 2005; to provide duties for the Chief Information Officer relating to oversight of the division of communications and the information management services division; to redefine terms; to eliminate powers and duties and obsolete provisions; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 81-1108, Revised Statutes Cumulative Supplement, 2004, is amended to read:

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 information management services division, materiel division, state building division, and division of communications 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 division of communications, and the information management services 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 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 and 81-1301 to 81-1391 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. 2. Section 81-1108.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.01 The compensation of the administrators of the division of communications and the information management services division shall be fixed by the Chief Information Officer subject to availability of appropriations. The compensation of ~~the~~ all other administrators shall be fixed by the director subject to availability of appropriations.

Sec. 3. Section 81-1116, Reissue Revised Statutes of Nebraska, is amended to read:

81-1116 The information management services division shall be headed by an administrator. Any person who has successfully completed a four-year program at an accredited four-year college or university and who has not less than four years total experience in information management services, of which not less than one year shall have been experience as the supervisor of an information management entity in government or private enterprise and not less than two years shall have been experience as a systems analyst or with principal responsibility for systems development or supervision, or both, may be appointed information management services administrator by the ~~Director of Administrative Services~~ Chief Information Officer. Successful completion of training courses covering the functions, programming, operations, and systems development aspects of information management equipment may be accounted as experience in direct proportion to the number of weeks of course work completed. The rate of pay for the information management services administrator shall be fixed by the ~~director~~ Chief Information Officer subject to availability of appropriations. The information management services administrator shall have the power to select and manage such staff and supervise the operation of such equipment as he or she may require.

Sec. 4. Section 81-1117, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1117 (1) As used in this section, unless the context otherwise requires, information management includes, but is not limited to:

(a) Mainframe computers, minicomputers, microprocessors, word processors, and desktop computers;

(b) Any peripheral device to be used with the equipment listed in subdivision (1)(a) of this section for such purposes as data input and output, data storage, or data communications;

(c) Any code or program to control the operation of the equipment or devices listed in subdivision (1)(a) or (1)(b) of this section; and

(d) Employment of professional expertise for computer system design, operations, or program development.

(2) Subject to review and approval by the ~~Director of Administrative Services~~ Chief Information Officer, the information management services administrator shall have the following powers, duties, and responsibilities:

(a) He or she may review the accounting and other records and reporting systems of all divisions within the Department of Administrative Services and within every other department and agency of the state;

(b) He or she shall systematically review the potential application of information management to any work performed outside the information management services division or by any department or agency of the state or any subdivision of any department or agency of the state, and if ~~he or she finds that~~ the costs of mechanizing such work will not exceed present costs or ~~that~~ if efficiencies may be achieved, he or she may accept responsibility for the performance of such work. He or she may also review ~~current~~ computer applications being used to determine if revision or deletion of computer applications would be beneficial. The findings of reviews made pursuant to this subdivision shall be reported to the Governor and the Legislative Fiscal Analyst;

(c) He or she may, with the approval of the ~~director~~ Chief Information Officer, make such revisions to internal systems for production of accounting and other reports as may be necessary to permit economical undertaking of work to be performed by the information management services division for any agency or department of the state;

(d) He or she shall organize the information management services division to provide system review, system design, feasibility studies, and machine reviews;

(e) He or she may review the operations of information management installations as may exist in any department or agency of the state and may cause such operations to be merged with those of the information management services division in the event that a cost analysis shows that economic advantage may be achieved. He or she may permit the establishment of departmental or agency information management operations in any department or agency of the state if his or her analysis of feasibility shows a potential economy or a substantial convenience for the state incident to such separate establishment. No state agency shall hire, purchase, lease, or rent any information management item listed in subsection (1) of this section without the written approval of the information management services administrator. All new computer programs developed or acquired for use with information management equipment of any state agency shall be documented according to standards developed or approved by the information management services administrator;

(f) He or she shall prepare a budget in sufficient time in advance of the statutory date for submittal of budget requests by departments and agencies of the state as to permit each department and agency for which services are performed, or are to be performed during the request budget period, to be informed of the cost of maintaining the current fiscal year's production work for inclusion within their respective budget requests;

(g) He or she shall provide for a system of charges for services rendered by the information management services division ~~of the Department of Administrative Services~~ to any other department or agency of the state when these charges are allocable to a particular project carried on by such department or division. Such standard rate charges shall, as nearly as may be practical, reflect the actual costs incurred in the performance of services for such department or agency. Such system of charges shall be annually reviewed by the Legislature's Committee on Appropriations. Rates planned for the coming fiscal year shall be included in the instructions for completion of budget request forms as annually prepared by the Department of Administrative Services budget division. If rate revisions are required during the fiscal year to reflect changes in the information management services division's operating costs, these revisions shall be announced to state agencies at least thirty days prior to their use in billing these agencies for service. Miscellaneous supplies shall be billed to using agencies at

actual cost. Equipment used primarily by one agency for special applications shall be billed to that agency at actual cost. In the event of saturation of the information management services division with the resulting need for contractual support to be furnished by another information management installation, agencies shall be billed at actual cost. The charges received by the department for information management services shall be credited to a fund hereby created which shall be known as the Information Management Revolving Fund. Expenditures shall be made from such fund to finance the operations of the information management services division in accordance with appropriations made by the Legislature. Any money in the Information Management Revolving Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act;

(h) He or she may provide information management services and technical assistance to any subdivision of government as provided for under the Interlocal Cooperation Act or the Joint Public Agency Act;

(i) He or she shall provide for the centralization of all administrative work, including that of educational institutions, into the information management services division;

(j) He or she shall provide definitions of standards and common data elements, coordinate the collection of data, consolidate data files or data banks, and review and approve or disapprove the establishment of separate data banks; and

(k) He or she shall provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521.

Each member of the Legislature shall receive a copy of the report required by subdivision (2)(b) of this section by making a request for it to the administrator.

Sec. 5. Section 81-1117.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-1117.02 (1) Neither the information management services administrator, the ~~Director of Administrative Services~~ Chief Information Officer, nor any employee of such administrator or ~~director officer~~ shall release or permit the release of any data maintained in computer files to any person or persons without the express written approval of both the agency primarily responsible for collection and maintenance of such data and the employee to whom such data pertains, except as provided in subsection (2) of this section.

(2) Any data which is a public record in its original form shall remain a public record when maintained in computer files and shall be provided to the Legislative Fiscal Analyst pursuant to section 50-420 and shall be made available to the Auditor of Public Accounts solely for use in the performance of audits prescribed by law.

Sec. 6. Section 81-1120.02, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1120.02 As used in sections 81-1120.01 to ~~81-1120.03 and 81-1120.15~~ to 81-1120.28, unless the context otherwise requires:

(1) Director ~~shall mean~~ means the Director of Communications;

(2) Division ~~shall mean~~ means the division of communications of the ~~Department of Administrative Services~~ office of Chief Information Officer;

(3) Communications system ~~shall mean~~ means the total communications facilities and equipment owned, leased, or used by all departments, agencies, and subdivisions of state government; and

(4) Communications ~~shall mean~~ means 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. 7. Section 81-1120.03, Revised Statutes Cumulative Supplement, 2004, is amended to read:

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

Sec. 8. Section 81-1120.16, Reissue Revised Statutes of Nebraska, is amended to read:

81-1120.16 It shall be the duty of the director to consult each department, office, board, bureau, commission, or institution in the state for which money is to be appropriated and expended for communications services, equipment, or facilities, including the executive and judicial departments, state colleges, university, and state institutions. The director shall make or cause to be made under his or her supervision an investigation to determine whether the appropriations are being judiciously and economically expended for the purposes for which they were made, and shall transmit to the Governor, the Legislative Fiscal Analyst, and ~~to~~ the expending agency a complete report of each such investigation. In making such investigations he or she shall, at all reasonable times, have access to the offices of all state departments, boards, bureaus, commissions, and institutions, and may, for the purpose of obtaining information as to the operation and communications needs thereof, examine the books, papers, and public records therein, and the agencies shall, through their proper officers, furnish such data, information, or statements as may be requested of them.

Sec. 9. Section 81-1120.23, Reissue Revised Statutes of Nebraska, is amended to read:

81-1120.23 There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the ~~Department of Administrative Services~~ division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. All funds received under such sections and all funds received for communications services provided to any agency, department, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 10. Section 81-1423, Revised Statutes Supplement, 2005, is amended to read:

81-1423 The commission shall have authority to:

(1) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under sections 81-1415 to 81-1426;

(2) Delegate to one or more of its members such powers and duties as it may deem proper;

(3) Coordinate and jointly pursue its activities with the Governor's Policy Research Office;

(4) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(5) Plan improvements in the administration of criminal justice and promote their implementation;

(6) Make or encourage studies of any aspect of the administration of criminal justice;

(7) Conduct research and stimulate research by public and private agencies which shall be designed to improve the administration of criminal justice;

(8) Coordinate activities relating to the administration of criminal justice among agencies of state and local government;

(9) Cooperate with the federal and other state authorities concerning the administration of criminal justice;

(10) Accept and administer loans, grants, and donations from the United States, its agencies, the State of Nebraska, its agencies, and other sources, public and private, for carrying out any of its functions, except that no communications equipment shall be acquired and no approval for acquisition of communications equipment shall be granted without receiving the written approval of the Director of Communications of the ~~Department of Administrative Services~~ office of Chief Information Officer;

(11) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under sections 81-1415 to 81-1426 with agencies of state or local government, corporations, or persons;

(12) Acquire, hold, and dispose of personal property in the exercise of its powers;

(13) Conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information

maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and privacy of criminal history information;

(14) Do all things necessary to carry out its purposes and for the exercise of the powers granted in sections 81-1415 to 81-1426, except that no activities or transfers or expenditures of funds available to the commission shall be inconsistent with legislative policy as reflected in substantive legislation, legislative intent legislation, or appropriations legislation;

(15) Exercise budgetary and administrative control over the Crime Victim's Reparations Committee and the Jail Standards Board;

(16) Appoint and remove for cause the director of the Nebraska Law Enforcement Training Center;

(17) Provide budgetary and administrative support to the Community Corrections Council; and

(18) Do all things necessary to carry out sections 81-1843 to 81-1851.

Sec. 11. Section 84-1205.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-1205.01 The board shall establish a technical advisory committee to assist it in the performance of its duties. The committee shall consist of individuals who have technical experience and expertise in electronic access and information technology. The committee shall have three members. The members shall include a representative from a state agency that is responsible for providing public records, a representative from the information management services division of the Department of Administrative Services office of Chief Information Officer, and a representative from the computer services group of the Legislative Council.

Sec. 12. Section 84-1228, Reissue Revised Statutes of Nebraska, is amended to read:

84-1228 Any electronic record authorized by statute to constitute the permanent record shall be electronically reproduced onto a protected backup file within five working days of the creation of the permanent record. Adequate protective technology shall be used by the keeper of the records to protect the backup file from electrical surges and from unauthorized tampering. The backup file shall be kept in a separate location from the permanent record to minimize the risk of destruction of both copies. ~~Prior to January 1, 2000, the information management services administrator of the Department of Administrative Services shall notify all affected state agencies and other entities and governmental subdivisions keeping electronic records as authorized by statute of the requirements of this section.~~

Sec. 13. Section 86-407, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-407 Division means the division of communications of the Department of Administrative Services office of Chief Information Officer.

Sec. 14. Section 86-461, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-461 (1) The Enhanced Wireless 911 Advisory Board is created to advise the commission concerning the implementation, development, administration, coordination, evaluation, and maintenance of enhanced wireless 911 service. The advisory board shall be composed of ten individuals appointed by the Governor, including:

(a) One sheriff;

(b) Two county officials or employees;

(c) Two municipal officials or employees;

(d) Two representatives from the state's wireless telecommunications industry;

(e) One manager of a public safety answering point not employed by a sheriff;

(f) One representative of the state's local exchange telecommunications service industry;

(g) One commissioner from the Public Service Commission or his or her designee who shall serve as an ex officio member; and

(h) The ~~Director of Administrative Services~~ Chief Information Officer or his or her designee who shall serve as an ex officio member.

(2) Members of the board as described in subdivisions (1)(a) through (1)(f) of this section shall be appointed for a term of three years. Each succeeding member of the board shall be appointed for a term of three years. The board shall meet as often as necessary to carry out its duties. Members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 15. Section 86-519, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-519 The office of Chief Information Officer is created. The Chief Information Officer shall be appointed by and serve at the pleasure of the Governor with the approval of a majority of the Legislature. For administrative and budgetary purposes, the office of Chief Information Officer shall be located in the Department of Administrative Services which shall provide necessary support services for the office. All administrative and budgetary decisions for the office shall be made by the Chief Information Officer.

Sec. 16. Section 86-521, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-521 (1) A technical panel is created. The technical panel shall be comprised of one representative from the Nebraska Educational Telecommunications Commission, one representative from the Department of Administrative Services office of Chief Information Officer, one representative from the University of Nebraska Computing Services Network, one representative from the project sector, and such other members as specified by the Nebraska Information Technology Commission.

(2) The technical panel shall review any technology project or request for additional funding recommended to the Nebraska Information Technology Commission including any recommendations by working groups established under sections 86-512 to 86-524. Upon the conclusion of the review of a technology project or request for additional funding, the technical panel shall provide its analysis to the commission. The technical panel may recommend technical standards and guidelines to be considered for adoption by the commission.

Sec. 17. Section 86-522, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-522 The Community Technology Fund is created. The fund shall be granted to public entities or for the public entity's share of public-private partnerships by the commission. The fund shall be used to provide incentives for collaborative community and regional approaches toward more effective and efficient use of technology to meet the needs of citizens, political subdivisions, and other entities as determined by the commission. Expenditures from the fund shall be approved by the commission only after review by the technical panel. The fund shall be administered by the Department of Administrative Services office of Chief Information Officer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 18. Section 86-523, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-523 The Government Technology Collaboration Fund is created. The fund shall be granted by the commission. The fund shall be used to provide incentives for collaborative technology projects and programs by state agencies, boards, and commissions and to assist in meeting the technology needs of small agencies as determined by the commission. Expenditures from the fund shall be approved by the commission only after review by the technical panel. The fund shall be administered by the Department of Administrative Services office of Chief Information Officer. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 19. Section 86-527, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-527 The Information Technology Infrastructure Fund is hereby created. The fund shall contain revenue from the special privilege tax as provided in section 77-2602, gifts, grants, and such other money as is appropriated or transferred by the Legislature. The fund shall be used to attain the goals listed in section 86-526 and the goals and priorities identified in the statewide technology plan. The fund shall be administered by the department office of Chief Information Officer. Expenditures shall be made from the fund to finance the operations of the Information Technology Infrastructure Act in accordance with the appropriations made by the Legislature. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the Information Technology Infrastructure Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The Supreme Court is hereby authorized to expend seven hundred sixteen thousand eight hundred dollars directly from the Information Technology Infrastructure Fund in fiscal year 2002-03, for the Supreme Court Automation program, for program costs authorized by the Legislature, which

funds shall not require any further administrative reviews or approvals prior to their expenditure.

The State Treasurer shall transfer one million eighty-eight thousand four hundred seventy-two dollars from the Information Technology Infrastructure Fund to the General Fund on or before July 15, 2003.

Sec. 20. Section 86-539, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-539 The Intergovernmental Data Communications Advisory Council is created. The council shall consist of thirteen members as follows:

(1) The administrator of the intergovernmental data services program, who shall serve as the chairperson of the council;

(2) A representative of the information management services division of the Department of Administrative Services office of Chief Information Officer;

(3) A representative of the division of communications of the Department of Administrative Services office of Chief Information Officer;

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

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

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

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

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

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

(10) A representative of the Department of Natural Resources data bank; and

(11) A representative of the records management division of the Secretary of State's office.

Sec. 21. Section 86-551, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-551 The intergovernmental data services program is created and shall be located within the information management services division of the Department of Administrative Services office of Chief Information Officer.

Sec. 22. Section 86-555, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-555 Department Office means the Department of Administrative Services office of Chief Information Officer.

Sec. 23. Section 86-556, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-556 Director Officer means the Director of Administrative Services Chief Information Officer.

Sec. 24. Section 86-557, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-557 Division means the information management services division of the department office.

Sec. 25. Section 86-563, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-563 In establishing and maintaining the system:

(1) The division:

(a) Shall provide the computer network and services for the system with assistance from the division of communications of the department office;

(b) Shall, within available resources, assist the Intergovernmental Data Communications Advisory Council, the Geographic Information System Steering Committee, and other local, state, and federal collaborative efforts to encourage coordination of information systems and data sharing;

(c) Shall coordinate its activities and responsibilities with the functions of the division of communications of ~~the department~~ to minimize overlap and duplication of technical services between the divisions in supporting the system, its applications, and application development; and

(d) May undertake and coordinate planning studies to determine the feasibility, benefits, costs, requirements, and options for the intergovernmental transfer of data;

(2) The administrator:

(a) 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 examines the cost-effectiveness, technical feasibility, and potential use of the proposed

application; that 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 that 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;

(b) 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;

(c) May, with the approval of the ~~director~~ officer, contract with other governmental entities or private vendors in carrying out the duties relating to the intergovernmental data services program;

(d) Shall, in cooperation with the division of communications, ~~of the department~~, establish a rate schedule that reflects the rates adopted by the division of communications and the information management services division, plus any additional costs of 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;

(e) May, with the approval of the ~~director~~ officer, 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;

(f) Shall determine whether a local application shall be a component of the system. No local application shall be resident or operational in any component of the system without explicit authorization of the administrator;

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

(h) Shall provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521;

(3) The ~~director~~ officer and administrator shall be responsible for the proper operation of the system, applications, and peripheral devices purchased or developed by the expenditure of state funds. The ownership of such system, applications, and peripheral devices shall be vested with the state; and

(4) All communications and telecommunications services for the intergovernmental data services program and the system shall be secured from the division of communications, ~~of the department~~.

Sec. 26. Section 86-564, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-564 (1) The administrator shall submit as part of the biennial budget request of the ~~department~~ office 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 subsection.

(2) 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)(a) of section 86-563, 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~~ office 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.

Sec. 27. Section 86-568, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-568 The budget division of the ~~department~~ 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.

Sec. 28. Section 86-570, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-570 (1) The Geographic Information System Steering Committee is hereby created and shall consist of nineteen members as follows:

(a) The Chief Information Officer or his or her designee and the director or designee of the Department of Administrative Services, the Department of Environmental Quality, the Department of Health and Human Services Regulation and Licensure, the Conservation and Survey Division of the University of Nebraska, the Department of Natural Resources, and the Governor's Policy Research Office;

(b) The Director-State Engineer or designee;

(c) The State Surveyor or designee;

(d) The Clerk of the Legislature or designee;

(e) The secretary of the Game and Parks Commission or designee;

(f) The Property Tax Administrator or designee;

(g) One representative of federal agencies appointed by the Governor;

(h) One representative of the natural resources districts nominated by the Nebraska Association of Resources Districts and appointed by the Governor;

(i) One representative of the public power districts appointed by the Governor;

(j) Two representatives of the counties nominated by the Nebraska Association of County Officials and appointed by the Governor;

(k) One representative of the municipalities nominated by the League of Nebraska Municipalities and appointed by the Governor; and

(l) Two members at large appointed by the Governor.

(2) The appointed members shall serve for terms of four years, except that of the initial members appointed by the Governor, one of the representatives of the counties shall be appointed for one year and the other shall be appointed for three years, one of the members at large shall be appointed for one year and the other for three years, and the representative of the public power districts shall be appointed for two years. Their successors shall be appointed for four-year terms. Any vacancy on the committee shall be filled in the same manner as the original appointment, and the person selected to fill such vacancy shall have the same qualifications as the member whose vacancy is being filled.

(3) The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 29. Original sections 81-1108.01, 81-1116, 81-1117.02, 81-1120.16, 81-1120.23, 84-1205.01, and 84-1228, Reissue Revised Statutes of Nebraska, sections 81-1108, 81-1117, 81-1120.02, 81-1120.03, 86-407, 86-461, 86-519, 86-521, 86-522, 86-523, 86-527, 86-539, 86-551, 86-555, 86-556, 86-557, 86-563, 86-564, 86-568, and 86-570, Revised Statutes Cumulative Supplement, 2004, and section 81-1423, Revised Statutes Supplement, 2005, are repealed.