

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 779**

Introduced by Lautenbaugh, 18.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to government agencies; to amend sections  
2 81-1008, 81-1008.01, 81-1010, 81-1011, 81-1015, 81-1016,  
3 81-1018, 81-1019, 81-1020, 81-1021, 81-1023, and 81-1025,  
4 Reissue Revised Statutes of Nebraska, and sections  
5 81-1017 and 81-1108.17, Revised Statutes Cumulative  
6 Supplement, 2010; to define terms; to change provisions  
7 relating to state-owned vehicles; to provide for renting  
8 vehicles for state use; to harmonize provisions; and to  
9 repeal the original sections.

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

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

3           81-1008 There is hereby created within the Department of  
4 Administrative Services the transportation services bureau which  
5 shall provide service and guidance to all state agencies in the  
6 utilization, operation, and servicing of ~~state-owned~~ bureau fleet  
7 vehicles and the utilization of privately owned vehicles used for  
8 state purposes. The transportation services bureau shall be  
9 responsible for monitoring all transportation requirements of the  
10 state and maintaining complete records thereon.

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

13           81-1008.01 The ~~purpose~~ purposes of the transportation  
14 services bureau ~~is~~ are to centralize title to and insure efficient  
15 utilization and proper maintenance of all state-owned ~~passenger~~  
16 vehicles, to rent passenger vehicles from a third party fleet  
17 primarily for transporting state employees from one job location to  
18 another, and to provide vehicle transportation services to all state  
19 agencies, boards, and commissions.

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

22           81-1010 The chief of the transportation services bureau  
23 shall have the following duties and responsibilities:

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

1 vehicles;

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

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

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

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

19 (6) To present to the accounting division of the  
20 Department of Administrative Services cost and maintenance records of  
21 state-owned vehicles and cost records of rented bureau fleet vehicles  
22 so that the various state agencies which use ~~state-owned~~ bureau fleet  
23 vehicles may be billed for such use. Income arising from these  
24 billings shall be deposited to the Transportation Services Bureau  
25 Revolving Fund, which fund is hereby created. All expenses of

1 acquisition, operation, and maintenance of state-owned vehicles used  
2 primarily for transportation of state employees and of rental of  
3 bureau fleet vehicles shall be paid from such fund. Money in the  
4 Transportation Services Bureau Revolving Fund may be transferred to  
5 the General Fund at the direction of the Legislature. The Department  
6 of Administrative Services shall develop a system of time and mileage  
7 charges for the purpose of billing the various state agencies for  
8 their vehicle usage. The daily, weekly, or monthly charge shall cover  
9 all fixed expenses of such vehicles, and the mileage charge shall  
10 cover the variable costs of operation;

11 (7) To monitor the utilization of permanently assigned  
12 ~~motor bureau fleet vehicles~~ and enforce minimum utilization standards  
13 by withdrawing permanently assigned ~~motor bureau fleet vehicles~~ from  
14 agencies which are not meeting ~~such the standards established under~~  
15 subdivision (1) of this section;

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

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

22 (10) To enter into rental agreements with any third party  
23 fleet owner in the name of the State of Nebraska for passenger  
24 vehicles for use primarily for transportation of state employees for  
25 transportation in their official duties from one job location to

1 another when it is determined that such action would be to the  
2 economic advantage of the state.

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

5           ~~81-1011 State-owned vehicles are defined for the purpose~~  
6 For purposes of sections 81-1008 to 81-1017 as all 81-1025:

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

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

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

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

25           Sec. 5. Section 81-1015, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           81-1015 Subject to ~~the provisions of~~ section 81-1013, the  
3 ~~transportation services~~ bureau shall own and hold title, in the name  
4 of the State of Nebraska, to all state-owned licensable ~~passenger~~  
5 vehicles. All purchases of state-owned ~~passenger~~ vehicles and  
6 automotive equipment shall be made or approved by the ~~transportation~~  
7 ~~services~~ bureau. The Director of Administrative Services shall not  
8 approve any voucher for the purchase of any passenger car unless  
9 submitted by the ~~transportation services~~ bureau.

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

12           81-1016 The ~~transportation services~~ bureau shall adopt  
13 and promulgate rules and regulations necessary to administer ~~the~~  
14 ~~provisions of~~ sections 81-1008 to ~~81-1017.~~ 81-1025.

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

17           81-1017 ~~The provisions of sections~~ Sections 81-1008 to  
18 ~~81-1017 shall~~ 81-1025 do not apply to any court or the motor vehicles  
19 thereof, ~~but except that~~ such vehicles shall be titled as provided in  
20 section 81-1013.

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

23           81-1018 (1) The Legislature hereby declares that the  
24 purpose and intent of this section are to take positive steps to  
25 reduce the consumption of gasoline in this state and to make the most

1 efficient and economical use of the nation's resources and the  
2 state's funds.

3 (2) After August 24, 1975, all state-owned ~~passenger~~  
4 ~~cars, except those vehicles which are considered duty stations as~~  
5 ~~defined in section 81-1011,~~ purchased, leased, rented, or approved  
6 for purchase, ~~or lease, or rent~~ by the ~~transportation services bureau~~  
7 shall be of the intermediate, compact, or subcompact class. Not less  
8 than fifty percent of such ~~passenger cars~~ state-owned vehicles shall  
9 be of the compact or subcompact class unless the costs to operate and  
10 maintain such ~~passenger cars~~ vehicles are not to the advantage of the  
11 state or such requirement fails to meet the intent of sections  
12 ~~81-1011, 81-1015, 81-1017, and 81-1018.~~ 81-1008 to 81-1025. For  
13 purposes of this section, classes shall be as defined by motor  
14 vehicle manufacturers.

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

17 81-1019 (1) Any person using a bureau fleet vehicle ~~owned~~  
18 ~~by the transportation services bureau~~ shall, whenever possible,  
19 obtain fuel from state-owned facilities.

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

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

24 81-1020 Any agency which has a permanently assigned  
25 bureau fleet vehicle ~~owned by the transportation services bureau~~

1 shall, prior to assigning such vehicle to an employee on a twenty-  
2 four-hour basis, obtain written approval from the chief of the  
3 ~~transportation services bureau.~~

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

6 81-1021 (1) All motor vehicles acquired by the State of  
7 Nebraska except any vehicle rented as a bureau fleet vehicle shall be  
8 indelibly and conspicuously lettered, in plain letters of a  
9 contrasting color or reflective material:

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

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

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

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

1 named;

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

9 (c) The Military Department;

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

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

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

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

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

24 81-1023 Any employee or officer of the State of Nebraska  
25 who operates or has under his or her control any state-owned ~~motor~~

1 vehicle, any other motor vehicle acquired by the State of Nebraska,  
2 or any ~~ex~~ unit of road machinery, which is not numbered, lettered, or  
3 marked as required by section 81-1021, or who violates any of the  
4 other provisions of sections 60-3,105, 60-3,106, 81-1021, and 81-1022  
5 shall be deemed guilty of official misconduct in office for a  
6 palpable omission of duty and upon conviction thereof shall be guilty  
7 of a Class II misdemeanor. The, ~~and the~~ court shall have the power  
8 to add to the judgment that any officer so convicted shall be removed  
9 from office or employment.

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

12           81-1025 (1) Each operator of a ~~state-owned motor bureau~~  
13 fleet vehicle, except a special-use vehicle as prescribed in section  
14 81-1011 or a motor vehicle in which a state agency holds the title,  
15 shall report the points between which the ~~motor bureau fleet~~ vehicle  
16 traveled each time used, the odometer readings at such points, the  
17 time of arrival and departure, the necessity and purpose for such  
18 travel, the license number of such ~~motor~~ vehicle, and the department  
19 to which such ~~motor~~ vehicle ~~belongs.~~ is assigned.

20           (2)(a) Each operator of a special-use vehicle as  
21 prescribed in section 81-1011 or a motor vehicle in which a state  
22 agency other than the bureau holds the title shall follow the policy  
23 and use the travel report form which shall be established by the  
24 director or designated head of the state agency owning such vehicle.  
25 The form shall include, but not be limited to, the name of the

1 operator, the license number of the vehicle, the total daily mileage  
2 or total hours of daily operation, and any other information the  
3 director or designated head deems relevant.

4 (b) State agencies leasing or renting ~~motor-bureau fleet~~  
5 vehicles from the ~~transportation services~~ bureau pursuant to sections  
6 81-1008.01 and 81-1010 shall be required to report ~~motor-bureau fleet~~  
7 vehicle usage pursuant to subsection (1) of this section on travel  
8 forms prescribed by the chief of the transportation services bureau.

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

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

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

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

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

12                   (2) To aid in the performance of his or her duties, the  
13 Director of Administrative Services shall appoint an administrator.  
14 The administrator, under the direction of the director, shall have  
15 complete control and all powers necessary to properly maintain the  
16 state laboratory and laboratory grounds, the Governor's Mansion and  
17 grounds, and all other buildings and lands owned or leased by the  
18 State of Nebraska except as exempted under subsections (5) and (6) of  
19 section 81-1108.15 or as provided in the Nebraska State Capitol  
20 Preservation and Restoration Act.

21                   (3) Except as provided in the act, the administrator,  
22 under the direction of the director, is authorized to (a) lease space  
23 or provide facilities for the parking of state officers' and  
24 employees' vehicles as well as ~~state-owned~~ bureau fleet vehicles as  
25 defined in section 81-1011, (b) lease, rent, or permit for use as

1 apartments, dwellings, offices, and parking areas any or all of the  
2 property acquired for parking or for future building needs, (c) lease  
3 state property to the federal government or political subdivisions of  
4 the state using the system of charges in subsection (4) of this  
5 section, and (d) lease state property to a private entity to provide  
6 services necessary for state operations or for the convenience of  
7 state officers and employees when the space is not needed for public  
8 use. All leases shall contain the provision that upon notice that  
9 such property is needed for public use, the use or occupancy of the  
10 property shall cease. All money received as rent from any property  
11 acquired shall be remitted to the State Treasurer and credited to the  
12 State Building Revolving Fund, except that receipts from parking  
13 charges for employee, public, and state vehicle parking shall be  
14 credited to the Capitol Buildings Parking Revolving Fund, which fund  
15 is hereby created, for the purposes of providing and maintaining  
16 parking for state employees and visitors.

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

1 State Treasurer for credit to the State Building Renewal Assessment  
2 Fund. The administrator shall develop a system of equitable billings  
3 and charges for parking facilities under his or her control and used  
4 by state employees and state vehicles. The system of charges shall  
5 include an amount sufficient to cover the operating, maintenance, and  
6 repair costs associated with the parking facilities. The  
7 administrator, under policies and procedures established by the  
8 Director of Administrative Services, may expend funds from time to  
9 time credited to the Capitol Buildings Parking Revolving Fund for the  
10 purposes of obtaining, operating, and maintaining parking facilities  
11 for employees and visitors. All money derived from any source other  
12 than that to be credited to the State Building Revolving Fund, the  
13 Capitol Buildings Parking Revolving Fund, the Department of  
14 Administrative Services Cash Fund, the State Building Renewal  
15 Assessment Fund, or other appropriate revolving fund shall be  
16 remitted to the State Treasurer and credited to the General Fund.

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

20 (6) The administrator shall at all times have charge of  
21 and supervision over the police, janitors, and other employees in and  
22 about the state laboratory and laboratory grounds, the Governor's  
23 Mansion and grounds, and all other buildings and lands owned or  
24 leased by the State of Nebraska except as exempted under subsections  
25 (5) and (6) of section 81-1108.15 or as provided in the Nebraska

1 State Capitol Preservation and Restoration Act. The administrator  
2 shall institute, in the name of the state and with the advice of the  
3 Attorney General, civil and criminal proceedings against any person  
4 for injury or threatened injury to any public property in the state  
5 laboratory and laboratory grounds, the Governor's Mansion and  
6 grounds, and all other buildings and lands owned or leased by the  
7 State of Nebraska under his or her control, or for committing or  
8 threatening to commit a nuisance in or on the buildings or lands.

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

15 Sec. 15. Original sections 81-1008, 81-1008.01, 81-1010,  
16 81-1011, 81-1015, 81-1016, 81-1018, 81-1019, 81-1020, 81-1021,  
17 81-1023, and 81-1025, Reissue Revised Statutes of Nebraska, and  
18 sections 81-1017 and 81-1108.17, Revised Statutes Cumulative  
19 Supplement, 2010, are repealed.