

## LEGISLATIVE BILL 427

Passed over the Governor's veto March 25, 1975

Introduced by Telecommunications Committee, Clark, 47,  
Chmn.; Skarda, 7; Mahoney, 5; Duis, 39;  
Marvel, 33

AN ACT to amend sections 23-1715, 81-1120.01, 81-1120.02, 81-1120.03, 81-1120.04, 81-1120.05, 81-1120.06, 81-1120.07, 81-1120.10, 81-1120.11, 81-1120.12, 81-1120.13, 81-1120.14, and 81-1423, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1108.02, 81-1120.08, and 81-1120.09, Revised Statutes Supplement, 1974, relating to administrative departments; to define terms; to create the division of communications and a director thereof as prescribed; to provide duties; to create the State Communications Advisory Board; to establish the Communications Cash Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 23-1715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1715. The county board shall purchase a base radio station and short wave radio equipment for installation on a motor vehicle owned by the sheriff. The county board may purchase short wave radio equipment for installation on motor vehicles owned by the sheriff's deputies, as specified by the ~~state--telecommunications board~~ State Communications Advisory Board, and also may purchase specialized equipment such as, but not limited to, flashing lights or spot lights for installation on motor vehicles owned by the sheriff or his deputies whenever such equipment is necessary for law enforcement work. Any equipment so purchased and installed shall remain the property of the county and shall be removed and returned to the county upon termination of the term of office of such sheriff or deputy. The county board may also reimburse any such sheriff or deputy for any damage to any such privately-owned motor vehicle peculiarly incident to and actually arising out of the use of such motor vehicle for law enforcement work, such as but not limited to bullet holes, blood stains, or damage to the interior caused by unruly prisoners, but not including collision or upset. Reimbursement for such

damage shall be paid as other claims against the county.

Sec. 2. That section 81-1108.02, Revised Statutes Supplement, 1974, be amended to read as follows:

81-1108.02. The general services division of the Department of Administrative Services shall be headed by an administrator subject to the supervision of the director. The director may appoint as general services administrator any person who has the education, training, and experience for the management and control of the bureaus of ~~telecommunications--services~~, transportation services, and records and management services, which bureaus shall be under the control and supervision of the general services administrator. The compensation of the general services division head, who shall be designated as the general services administrator, shall be fixed by the Director of Administrative Services subject to availability of appropriations.

Sec. 3. That section 81-1120.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.01. The Legislature hereby declares that an efficient and reliable telecommunications communications system is vital to the ~~security--and welfare-of-the~~ state during ~~times-of-emergency-and-in~~ the conduct of regular business of the state and in times of emergency and that substantial economies can be effected by joint use of a consolidated telecommunications communications system by departments, agencies, and subdivisions of state government. It is, therefore, declared to be the purpose of ~~sections--81-4420:01--to 81-4420:14~~ this act and the policy of the state to provide for the continual development of an efficient and reliable telecommunications communications system for joint use by departments, agencies, and subdivisions of state government, to effect maximum practical consolidation and joint use of existing telecommunications communications facilities and services owned or used by the state, and generally to coordinate all telecommunications communications functions and activities of state government.

Sec. 4. That section 81-1120.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.02. As used in ~~sections--81-4420:01--to 81-4420:14~~ this act, unless the context otherwise requires:

(1) Board shall mean the state-telecommunications board State Communications Advisory Board;

(2) Director shall mean the telecommunications director Director of Communications;

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

(4) State-----Telecommunications-----System Communications-----system shall mean the total telecommunications communications facilities and equipment owned, leased, or used by all departments, agencies, and subdivisions of state government; and

(5) Telecommunication Communications 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. 5. That section 81-1120.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Sec. 6. The Director of Communications shall have the following powers, duties, and responsibilities:

(1) To provide the Legislature and the Governor technical assistance, advice, and information concerning

the financial and administrative operations of the communications systems of all agencies of the state;

(2) To provide the Legislature and the Governor recommendations for dealing with financial, management, and organizational problems affecting the communications systems and services of the state, its departments and agencies;

(3) To make inquiries of the agencies as to their communications charges and prepare cost comparisons to insure that uniformity, efficiency, and equality be achieved within the communications system;

(4) To make recommendations to the agencies pertaining to revisions to internal systems as may be necessary to promote frugality and economy in the communications system;

(5) To provide services such as system review, system design, feasibility studies, equipment reviews, and for long-range planning and management service within the division of communications; and

(6) To prepare and report to the Legislature and the Governor at least twenty days before the commencement of each regular session of the Legislature:

(a) A full and detailed statement of the financial condition and administrative operations of the division of communications, and the amount of the expenditures for the last fiscal year;

(b) A full and detailed statement of communications facilities, services, and equipment in the state system, showing fully all liabilities and resources of the state; and

(c) Such plans as he may recommend and deem expedient to facilitate maximum systemization, utilization, and understanding of the communications system.

Sec. 7. 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 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 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. 8. That section 81-1120.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.04. The director division of communications shall have the following duties, powers and responsibilities:

(1) To coordinate the purchase, lease, and use of telecommunications communications services equipment and facilities for state government;

(2) To advise departments and agencies of the state and political subdivisions thereof as to systems or methods to be used to meet requirements efficiently and effectively;

(3) To consolidate the--telecommunications and integrate radio communications systems and services of state agencies so far as practical and to provide for their joint use by the agencies;

(4) To consolidate telephone and telephone-related activities, so far as practical, and to provide for their joint use by the agencies;

~~(4)~~ (5) To assume management responsibility for any consolidated system or service and approve all purchases and contracts for such communications activities;

~~(5)~~ (6) To enter into agreements for the mutual support and use of telecommunications communications services of the agencies and departments of state government and its political subdivisions;

~~(6)~~ (7) To provide for the rendering of mutual aid between state government and its political subdivisions and to cooperate with other states and the federal government with respect to the organizing of

telecommunications communications in expediting the carrying out of mutual aid in civil defense emergencies;

(7) (8) To use or acquire telecommunications communications facilities now owned or operated by any state agency and to compensate such agency when appropriate;

(8) (9) To standardize policies and procedures for the use of such services in such a manner that communications systems in the domain of public safety or security not be compromised;

(9) (10) To assume responsibility for the maintenance and repair of state-owned telecommunications communications facilities so far as practical;

(10) (11) To coordinate and consolidate maintenance and repair procedures and facilities so far as possible in the light of good business practice and the requirements of the agencies and departments concerned;

(11) (12) To Subject to the conditions provided in section 10 of this act, to contract with qualified suppliers and telecommunications communications common carriers for telecommunications communications facilities or services, including private line services;

(12) (13) To apply for, receive, coordinate, and hold, or, if appropriate, assist agencies in applying for, receiving, or holding such authorizations, licenses, and allocations of channels and frequencies as are necessary to carry out the purposes of sections 81-1120.01 to ~~81-1120-14~~ 81-1120.03 and sections 6 to 19 of this act;

(13) (14) To acquire real estate, equipment, and other property as an agency of the state, subject to the provisions of section ~~81-1120-06~~ 10 of this act;

(14) (15) To cooperate with the Civil Defense Agency as to its needs for emergency telecommunications communications services; and

(15) (16) To insure that telecommunications communications facilities are not used for any purpose which is contrary to the policy and intent of sections ~~81-1120-04 to 81-1120-14~~ this act or contrary to the laws and agreements under which the facilities are to be utilized.

Sec. 9. That section 81-1120.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-4420-05:~~ There is hereby established a state telecommunications-board State Communications Advisory Board which shall consist of the Adjutant General, the Director-State Engineer, the chief officer of the Nebraska State Patrol, the secretary of the Game and Parks Commission, the secretary of the Nebraska Educational Television Commission, the Director of Administrative Services, the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice, a member of the Public Service Commission, and the Director of Aeronautics. ~~The board shall organize by electing one of its members as chairman; who shall serve for a period of one year and may succeed himself in this office if reelected by the board. --- It~~ The Director of Administrative Services shall serve as chairman of such board. The board shall meet at least four times a year or upon call of the chairman; -- the telecommunications director; or any two members of the board. The board shall keep a record of its proceedings which shall be open to the public for inspection and be published in such manner as the board shall determine so as to bring, as far as practicable, any action of the board to the attention of all persons affected thereby. A copy of such proceedings shall be filed with the Legislative Council and the Governor. The board shall provide advice in the development, management, administration, and operation of a consolidated telecommunications communications system to meet the telecommunications communications requirements of all departments and agencies of state government. Board members shall receive no compensation for duties performed as members of the board, but shall be reimbursed for actual expenses incurred while engaged in the performance of their duties under the provisions of ~~sections 81-4420-04 to 81-4420-44~~ this act.

Sec. 10. That section 81-1120.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-4420-06:~~ The bureau division shall have authority to purchase or lease telecommunications communications 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 bureau division 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 communications carrier or supplier, as applicable; and (7) the alternate methods or facilities available. The powers conferred by this section shall be subject to the condition that, except for existing state-owned facilities, the division shall obtain all exchange, intercity, toll, wide area and private line communications service from carriers regulated and certificated by the Public Service Commission in the area or areas in which such services are rendered. Any purchase or lease, except from such regulated carriers, made by the division shall be made through the materiel division of the Department of Administrative Services pursuant to the functions, powers, and duties of such division.

Sec. 11. That section 81-1120.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.07: Personnel of all departments, offices, and agencies of state government shall cooperate and assist to the maximum extent possible in the consolidation, redistribution, and joint use of telecommunications communications systems and services used by and under the direction of such departments or agencies and shall coordinate all communications services or facilities procurement through the Director of Communications.

Sec. 12. The Director of Communications and any staff that may be established within the division of communications shall be housed in space provided in the Nebraska Educational Television Commission facility.

Sec. 13. That section 81-1120.08, Revised Statutes Supplement, 1974, be amended to read as follows:

81-1120.08: The telecommunications---director Director of Communications shall develop a system of equitable billings and charges for telecommunication communications services provided in any consolidated or joint-use system of telecommunications communications. Such system of charges shall reflect, as nearly as may be practical, the actual share of costs incurred on behalf of or for services to each department, agency, or political subdivision provided services from the State



Telecommunications-System communications system, plus not-to-exceed-five-per-cent. Using agencies shall pay for such services out of appropriated or available funds. All payments shall be deposited in the Telecommunications Communications Cash Fund. Any money in the Telecommunications Communications Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259. 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 telecommunications--director Director of Communications.

Sec. 14. That section 81-1120.09, Revised Statutes Supplement, 1974, be amended to read as follows:

~~81-1120.09.~~ There is hereby established a cash fund to be known as the Telecommunications Communications Cash Fund. Appropriations made to the Department of Administrative Services for the purposes of sections 81-1120.04-to-81-1120.14 this act shall be credited to the cash fund. All funds received under the provisions of sections 81-1120.04-to-81-1120.14 this act, and all funds received for telecommunications communications services provided to any agency, department or other user shall be credited by the bureau division to such cash fund. The bureau division shall, under policies and procedures established by the director, expend funds from time to time credited to the Telecommunications Communications Cash Fund for the telecommunications communications purposes enumerated in sections 81-1120.04 to-81-1120.14 this act.

Sec. 15. That section 81-1120.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1120.10.~~ Sections--81-1120.04--to--81-1120.14 This act 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--bureau division of communications 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 communications 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. 16. That section 81-1120.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1120:11:~~ In the event of an emergency, the Governor may direct civil defense assumption of control over all or part of the State--Telecommunications--System communications system.

Sec. 17. That section 81-1120.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1120:12:~~ The telecommunications---director Director of Communications is hereby authorized to receive gifts, contributions, property and equipment from public or private sources to be utilized in providing telecommunications communications services, and to participate with the federal government in carrying out programs for telecommunications communications services within the State of Nebraska. Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, telecommunications communications services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of State Telecommunications---System communications---system objectives, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor or executive officer or governing body of such political subdivision may authorize any officer of the state or such political subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and rules and regulations, if any, of the agency making the offer.

Sec. 18. That section 81-1120.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1120:13:~~ The State-Telecommunications--System communications system shall not be used for any purposes other than business of the state or its political subdivisions except under conditions of emergency.

Sec. 19. That section 81-1120.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1120.14: The State-Telecommunications--System Communications system and the director shall not function as a public information or news agency. Communications transmitted on or through the State--Telecommunications System communications system shall be the privileged information of the sender and receiver; Provided, that this shall not prohibit the sender or receiver from releasing to others or to the public such information; and provided further, that in the event of an emergency, the Governor shall have the power to direct release of such information as he deems in the best interests of the state.

Sec. 20. That section 81-1423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1423. The commission shall have authority to:

(1) Adopt 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 central state planning and programming 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 from other sources, public and private, for carrying out any of its functions; Provided, that no communications equipment be acquired or approval for acquisition of communications equipment be granted without receiving the written approval of the director of the telecommunications-division division of communications of the Department of Administrative Services;

(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) Report annually to the Governor and to the Legislature on its activities, and make such other reports as it may deem appropriate; and

(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.

Sec. 21. Sections 1 to 17 of this act shall become operative on July 1, 1975.

Sec. 22. That original sections 23-1715, 81-1120.01, 81-1120.02, 81-1120.03, 81-1120.04, 81-1120.05, 81-1120.06, 81-1120.07, 81-1120.10, 81-1120.11, 81-1120.12, 81-1120.13, 81-1120.14, and 81-1423, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1108.02, 81-1120.08, and 81-1120.09, Revised Statutes Supplement, 1974, are repealed.

Sec. 23. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.