

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1069

Introduced by Adams, 24.

Read first time January 21, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to educational service units; to amend
2 sections 79-1233, 79-1241.02, 79-1245, 79-1247, 79-1248,
3 79-1249, 86-516, 86-520, 86-521, and 86-5,100, Reissue
4 Revised Statutes of Nebraska, and sections 79-1241.01
5 and 79-1241.03, Revised Statutes Supplement, 2009; to
6 change and eliminate provisions relating to core services
7 and technology infrastructure purchase and funding; to
8 change provisions relating to the Educational Service
9 Unit Coordinating Council and Network Nebraska; to
10 provide, change, and eliminate duties for the Nebraska
11 Information Technology Council and Chief Information
12 Officer; to harmonize provisions; to repeal the original
13 sections; to outright repeal sections 79-1243 and
14 79-1331, Reissue Revised Statutes of Nebraska; and to

1 declare an emergency.

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

1 Section 1. Section 79-1233, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1233 Each educational service unit shall provide
4 access for all school districts within the geographical area
5 served by the unit to telecomputing resources, which shall include
6 the capacity to receive and transmit distance education courses
7 on at least a regional basis beginning on or before August 1,
8 2007, through the installation of necessary equipment at each
9 educational service unit location or through interlocal agreements
10 with other educational service units and shall provide support for
11 training users to meet their specific telecomputing and distance
12 education needs. School districts may annually elect prior to a
13 date determined by the educational service unit not to connect to
14 such telecomputing resources. Each educational service unit shall
15 also develop, with the State Department of Education, a plan which
16 provides for connecting the telecomputing and distance education
17 equipment of such school districts with the telecomputing and
18 distance education equipment of the unit.

19 The leasing or purchase of ~~and planning for telecomputing~~
20 ~~or distance education equipment and software for the educational~~
21 ~~service units~~ any technology infrastructure hardware component
22 using state funds or local tax receipts and costing in excess of
23 ten thousand dollars shall meet the ~~minimum~~ technical standards
24 as set by the Nebraska Information Technology Commission. The
25 Chief Information Officer ~~shall~~ may bid for such equipment and

1 software and ~~shall~~ allow educational entities to participate
2 in such statewide leasing or purchasing contracts. Educational
3 service units may enter into agreements pursuant to the Interlocal
4 Cooperation Act and the Joint Public Agency Act to carry out this
5 section. Such agreements may include, but need not be limited
6 to, provisions requiring any school district having telecomputing
7 or distance education equipment connected to the educational
8 service unit's telecomputing or distance education equipment to
9 pay periodic fees necessary to cover the cost of such usage.

10 Sec. 2. Section 79-1241.01, Revised Statutes Supplement,
11 2009, is amended to read:

12 79-1241.01 To carry out ~~sections 79-1241.03 and 79-1243,~~
13 section 79-1241.03, it is the intent of the Legislature to
14 appropriate for each fiscal year the amount appropriated in
15 the prior year increased by the percentage growth in the fall
16 membership of member districts plus the basic allowable growth
17 rate described in section 79-1025. For purposes of this section,
18 fall membership has the same meaning as in section 79-1003. Fall
19 membership data used to compute growth shall be from the two most
20 recently available fall membership reports.

21 Sec. 3. Section 79-1241.02, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-1241.02 It is the intent of the Legislature that any
24 technology infrastructure hardware components purchased with funds
25 appropriated pursuant to section 79-1241.01, ~~79-1241.03, or 79-1243~~

1 and used for technology-related projects or technology initiatives
2 undertaken by an educational service unit follow the review process
3 established in sections ~~86-512 to 86-524~~, including the review
4 or 79-1241.03 be reviewed by the technical panel of the Nebraska
5 Information Technology Commission for compliance with technical
6 standards if the cost of such components exceeds ten thousand
7 dollars.

8 Sec. 4. Section 79-1241.03, Revised Statutes Supplement,
9 2009, is amended to read:

10 79-1241.03 ~~For school fiscal year 2008-09 and each school~~
11 ~~fiscal year thereafter.~~

12 (1) One percent of the funds appropriated for core
13 services and technology infrastructure shall be transferred to
14 the Educational Service Unit Coordinating Council. The remainder
15 of such funds shall be distributed pursuant to ~~subdivisions~~
16 subsections (2) through (6) of this section.

17 (2)(a) The distance education and telecommunications
18 allowance for each educational service unit shall equal eighty-five
19 percent of the difference of the costs for telecommunications
20 services, for access to data transmission networks that transmit
21 data to and from the educational service unit, and for the
22 transmission of data on such networks paid by the educational
23 service unit as reported on the annual financial report for the
24 most recently available complete data year minus the receipts from
25 the federal Universal Service Fund pursuant to 47 U.S.C. 254,

1 as such section existed on January 1, 2007, for the educational
2 service unit as reported on the annual financial report for the
3 most recently available complete data year and minus any receipts
4 from school districts or other educational entities for payment
5 of such costs as reported on the annual financial report of the
6 educational service unit;

7 (b) The base allocation of each educational service unit
8 shall equal two and one-half percent of the funds appropriated for
9 distribution pursuant to this section;

10 (c) The satellite office allocation for each educational
11 service unit shall equal one percent of the funds appropriated
12 for distribution pursuant to this section for each office of
13 the educational service unit, except the educational service unit
14 headquarters, up to the maximum number of satellite offices. The
15 maximum number of satellite offices used for the calculation of
16 the satellite office allocation for any educational service unit
17 shall equal the difference of the ratio of the number of square
18 miles within the boundaries of the educational service unit divided
19 by four thousand minus one with the result rounded to the closest
20 whole number;

21 (d) The statewide adjusted valuation shall equal the
22 total adjusted valuation for all member districts of educational
23 service units pursuant to section 79-1016 used for the calculation
24 of state aid for school districts pursuant to the Tax Equity and
25 Educational Opportunities Support Act for the school fiscal year

1 for which the distribution is being calculated pursuant to this
2 section;

3 (e) The adjusted valuation for each educational service
4 unit shall equal the total adjusted valuation of the member school
5 districts pursuant to section 79-1016 used for the calculation of
6 state aid for school districts pursuant to the act for the school
7 fiscal year for which the distribution is being calculated pursuant
8 to this section, except that such adjusted valuation for member
9 school districts that are also member districts of a learning
10 community shall be reduced by fifty percent. The adjusted valuation
11 for each learning community shall equal fifty percent of the total
12 adjusted valuation of the member school districts pursuant to
13 section 79-1016 used for the calculation of state aid for school
14 districts pursuant to the act for the school fiscal year for which
15 the distribution is being calculated pursuant to this section;

16 (f) The local effort rate shall equal \$0.0135 per one
17 hundred dollars of adjusted valuation;

18 (g) ~~Except as provided in subdivision (5) of this~~
19 ~~section,~~ the The statewide student allocation shall equal the
20 difference of the sum of the amount appropriated for distribution
21 pursuant to this section plus the product of the statewide adjusted
22 valuation multiplied by the local effort rate minus the distance
23 education and telecommunications allowance, base allocation, and
24 satellite office allocation for all educational service units and
25 minus any adjustments required by subsection (5) of this section;

1 (h) The sparsity adjustment for each educational service
2 unit and learning community shall equal the sum of one plus
3 one-tenth of the ratio of the square miles within the boundaries
4 of the educational service unit divided by the fall membership of
5 the member school districts for the school fiscal year immediately
6 preceding the school fiscal year for which the distribution is
7 being calculated pursuant to this section;

8 (i) The adjusted students for each educational service
9 unit shall equal the fall membership for the school fiscal year
10 immediately preceding the school fiscal year for which aid is being
11 calculated of the member school districts that will not be members
12 of a learning community and fifty percent of the fall membership
13 for such school fiscal year of the member school districts that
14 will be members of a learning community pursuant to this section
15 multiplied by the sparsity adjustment for the educational service
16 unit, and the adjusted students for each learning community shall
17 equal fifty percent of the fall membership for such school fiscal
18 year of the member school districts multiplied by the sparsity
19 adjustment for the learning community;

20 (j) The per student allocation shall equal the statewide
21 student allocation divided by the total adjusted students for all
22 educational service units and learning communities;

23 (k) The student allocation for each educational service
24 unit and learning community shall equal the per student allocation
25 multiplied by the adjusted students for the educational service

1 unit or learning community;

2 (1) The needs for each educational service unit shall
 3 equal the sum of the distance education and telecommunications
 4 allowance, base allocation, satellite office allocation, and
 5 student allocation for the educational service unit and the needs
 6 for each learning community shall equal the student allocation for
 7 the learning community; and

8 (m) The distribution of core services and technology
 9 infrastructure funds for each educational service unit and learning
 10 community shall equal the needs for each educational service unit
 11 or learning community minus the product of the adjusted valuation
 12 for the educational service unit or learning community multiplied
 13 by the local effort rate.

14 (3) If an educational service unit is the result of
 15 a merger or received new member school districts from another
 16 educational service unit, ~~such~~ the educational service unit shall
 17 be considered a new educational service unit for purposes of this
 18 section. For each new educational service unit, the needs minus
 19 the distance education and telecommunications allowance for such
 20 new educational service unit shall, for each of the three fiscal
 21 years following the fiscal year in which the merger takes place or
 22 the new member school districts are received, receive core services
 23 and technology infrastructure funds pursuant to subdivisions (2)
 24 through (6) of this section in equal an amount not less than
 25 the core services and technology infrastructure funds received

1 ~~in~~ needs minus the distance education and telecommunications
2 allowance for the portions of the educational service units
3 transferred to the new educational service unit for the fiscal
4 year immediately preceding the merger or receipt of new member
5 school districts, except that if the total amount available to be
6 distributed pursuant to ~~subdivisions~~ subsections (2) through (6)
7 of this section for ~~such year~~ the year for which needs are being
8 calculated is less than the total amount distributed pursuant
9 to such ~~subdivisions~~ or section 79-1243 for the immediately
10 preceding fiscal year, ~~the minimum core services and technology~~
11 infrastructure funds subsections for the fiscal year immediately
12 preceding the merger or receipt of new member school districts,
13 the minimum needs for each educational service unit pursuant to
14 this ~~subdivision~~ subsection shall be reduced by a percentage equal
15 to the ratio of ~~the difference of the total amount distributed~~
16 pursuant to subdivisions (2) through (6) of this section or section
17 79-1243 for the immediately preceding fiscal year minus the total
18 amount available to be distributed pursuant to subdivisions (2)
19 through (6) of this section for the fiscal year in question
20 such difference divided by the total amount distributed pursuant
21 to ~~subdivisions~~ subsections (2) through (6) of this section ~~or~~
22 section 79-1243 for the immediately preceding fiscal year. The core
23 services and technology infrastructure funds received in for the
24 fiscal year immediately preceding the merger or receipt of new
25 member school districts. The needs minus the distance education

1 and telecommunications allowance for the portions of educational
2 service units transferred to the new educational service unit
3 for the fiscal year immediately preceding a merger or receipt
4 of new member school districts ~~for an educational service unit~~
5 shall equal the ~~amount received in~~ needs minus the distance
6 education and telecommunications allowance calculated for such
7 fiscal year pursuant to ~~subdivisions~~ subsections (2) through (6)
8 of this section ~~or section 79-1243~~ by for any educational service
9 unit affected by the merger or the transfer of school districts
10 multiplied by a ratio equal to the valuation that was transferred
11 to ~~or retained by the~~ new educational service unit for which the
12 minimum is being calculated divided by the total valuation of the
13 educational service unit transferring ~~or retaining~~ the territory.

14 (4) For fiscal years ~~2008-09~~ 2010-11 through 2013-14,
15 each educational service unit which will not have any member
16 school districts that are members of a learning community shall
17 ~~receive core services and technology infrastructure funds under~~
18 ~~this section in an amount not less than ninety-five percent of~~
19 ~~the total of the core services and technology infrastructure funds~~
20 ~~that the educational service unit received in the immediately~~
21 ~~preceding fiscal year either pursuant to subdivisions (2) through~~
22 ~~(6) of this section or pursuant to section 79-1243,~~ have needs
23 minus the distance education and telecommunications allowance
24 equal to an amount not less than ninety-five percent of the
25 needs minus the distance education and telecommunications allowance

1 for the immediately preceding fiscal year, except that if the
 2 total amount available to be distributed pursuant to ~~subdivisions~~
 3 subsections (2) through (6) of this section for ~~such year~~ the
 4 year for which needs are being calculated is less than the
 5 total amount distributed pursuant to such ~~subdivisions~~ ~~or section~~
 6 ~~79-1243~~ subsections for the immediately preceding fiscal year,
 7 the minimum core services and technology infrastructure funds
 8 for each educational service unit pursuant to this ~~subdivision~~
 9 subsection shall be reduced by a percentage equal to the ratio
 10 of the difference of the total amount distributed pursuant to
 11 ~~subdivisions~~ ~~(2)~~ through ~~(6)~~ of this section ~~or section 79-1243~~
 12 ~~for the immediately preceding fiscal year~~ minus the total amount
 13 available to be distributed pursuant to ~~subdivisions~~ ~~(2)~~ through
 14 ~~(6)~~ of this section for the fiscal year in question such difference
 15 divided by the total amount distributed pursuant to ~~subdivisions~~
 16 subsections (2) through (6) of this section ~~or section 79-1243~~ for
 17 the immediately preceding fiscal year.†

18 (5) If the minimum core services and technology
 19 infrastructure funds pursuant to ~~subdivision~~ needs minus the
 20 distance education and telecommunications allowance pursuant to
 21 subsection (3) or (4) of this section for any educational service
 22 unit ~~exceed~~ exceeds the amount that would otherwise be distributed
 23 ~~to~~ calculated for such educational service unit pursuant to
 24 ~~subdivision~~ subsection (2) of this section, the statewide student
 25 allocation shall be reduced such that the total amount to be

1 distributed pursuant to this section equals the appropriation
2 for core services and technology infrastructure funds and no
3 educational service unit ~~receives~~ has needs minus the distance
4 education and telecommunications allowance less than the greater of
5 any minimum amounts calculated for such educational service unit
6 pursuant to ~~subdivisions~~ subsections (3) and (4) of this section, ~~+~~
7 ~~and~~

8 (6) The State Department of Education shall certify the
9 distribution of core services and technology infrastructure funds
10 pursuant to ~~subdivisions~~ subsections (2) through (6) of this
11 section to each educational service unit and learning community
12 on or before July 1, ~~2008,~~ for school fiscal year 2008-09 and
13 ~~on or before July 1 of each year thereafter~~ of each year for
14 the following school fiscal year. Any funds appropriated for
15 distribution pursuant to this section shall be distributed in
16 ten as nearly as possible equal payments on the first business
17 day of each month beginning in September of each school fiscal
18 year and ending in June. Funds distributed to educational service
19 units pursuant to this section shall be used for core services
20 and technology infrastructure with the approval of representatives
21 of two-thirds of the member school districts of the educational
22 service unit, representing a majority of the adjusted students in
23 the member school districts used in calculations pursuant to this
24 section for such funds. Funds distributed to learning communities
25 shall be used for learning community purposes pursuant to sections

1 ~~79-2104 and 79-2115,~~ 79-2101 to 79-2120, with the approval of the
2 learning community coordinating council.

3 For purposes of this section, the determination of
4 whether or not a school district will be a member of an educational
5 service unit or a learning community shall be based on the
6 information available May 1 for the following school fiscal year.

7 Sec. 5. Section 79-1245, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-1245 The Educational Service Unit Coordinating Council
10 is created as of July 1, 2008. On such date the assets and
11 liabilities of the Distance Education Council shall be transferred
12 to the Educational Service Unit Coordinating Council. The council
13 shall be composed of one administrator from each educational
14 service unit. The council shall be funded from one percent of the
15 core services and technology infrastructure funding appropriated
16 pursuant to section 79-1241.03, appropriations by the Legislature
17 for distance education, and fees established for services provided
18 to educational entities.

19 The council is a political subdivision and a public
20 body corporate and politic of this state, exercising public powers
21 separate from the participating educational service units. The
22 council shall have the duties, privileges, immunities, rights,
23 liabilities, and disabilities of a political subdivision and a
24 public body corporate and politic but shall not have taxing
25 power. The council shall have power (1) to sue and be sued,

1 (2) to have a seal and alter the same at will or to dispense
2 with the necessity thereof, (3) to make and execute contracts
3 and other instruments, (4) to receive, hold, and use money and
4 real and personal property, (5) to hire and compensate employees,
5 including certificated employees, (6) to act as a fiscal agent for
6 statewide initiatives being implemented by employees of one or more
7 educational service units, and (6) from time to time, to make,
8 amend, and repeal bylaws, rules, and regulations not inconsistent
9 with sections 79-1245 to 79-1249. Such power shall only be used as
10 necessary or convenient to carry out and effectuate the powers and
11 purposes of the council.

12 Sec. 6. Section 79-1247, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-1247 The Educational Service Unit Coordinating Council
15 shall appoint a distance education director and may appoint a
16 council director, both of whom shall hold office at the pleasure of
17 the council. ~~7~~ except that the person serving as the administrator
18 of the Distance Education Council immediately preceding July 1,
19 2008, shall be the initial distance education director under
20 this section. The council director and the distance education
21 director shall receive such salaries as the council determines
22 and shall be reimbursed for their actual expenses incurred in
23 the performance of their duties. The council may contract with
24 individual educational service units for the employment of the
25 council director or the distance education director, except that

1 the supervisory responsibilities for such employees shall remain
2 with the council. ~~as provided in sections 81-1174 to 81-1177.~~

3 The council director and the distance education director
4 shall perform duties as the council directs and shall not be
5 members of the council. The council may also appoint or retain
6 such other persons as it may deem necessary for the performance
7 of its functions and shall prescribe their duties, fix their
8 compensation, and provide for reimbursement of their actual and
9 necessary expenses as provided in sections 81-1174 to 81-1177
10 within the amounts available in the budget of the council.

11 Sec. 7. Section 79-1248, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-1248 The powers and duties of the Educational Service
14 Unit Coordinating Council include, but are not limited to:

15 (1) Providing public access to lists of qualified
16 distance education courses;

17 (2) Collecting and providing school schedules for
18 participating educational entities;

19 (3) Facilitation of scheduling for qualified distance
20 education courses;

21 (4) Brokering of qualified distance education courses to
22 be purchased by educational entities;

23 (5) Assessment of distance education needs and evaluation
24 of distance education services;

25 (6) Compliance with technical standards as set forth

1 by the Nebraska Information Technology Commission and academic
2 standards as set forth by the State Department of Education related
3 to distance education;

4 (7) Establishment of a system for prioritizing courses if
5 the demand for Network Nebraska exceeds the capacity available for
6 distance education and for choosing receiving educational entities
7 when the demand for a course exceeds the capacity as determined by
8 either the technology available or the course provider;

9 (8) Scheduling and prioritization for access to Network
10 Nebraska by educational entities in cooperation with the Chief
11 Information Officer and using scheduling software or scheduling
12 services which meet ~~any applicable~~ technical standards established
13 by the commission;

14 (9) Administration of learning management systems that
15 are in compliance with ~~any applicable~~ technical standards of the
16 commission either through the staff of the council or by delegation
17 to an appropriate educational entity with the funding for such
18 systems provided by participating educational entities; and

19 (10) Coordination with educational service units and
20 postsecondary educational institutions to provide assistance for
21 instructional design for both two-way interactive video distance
22 education courses and the offering of graduate credit courses in
23 distance education.

24 Sec. 8. Section 79-1249, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 79-1249 The Educational Service Unit Coordinating Council
2 shall only provide assistance in brokering or scheduling courses
3 to educational entities that have access to Network Nebraska.
4 All costs to the council associated with assisting private,
5 denominational, or parochial schools and private postsecondary
6 educational institutions shall be paid by such private,
7 denominational, or parochial school or private postsecondary
8 educational institution. Any services of the council may also be
9 offered to other public entities with access to Network Nebraska
10 on a contractual basis. The council shall not approve ~~technology~~
11 ~~purchases for the council in excess of ten thousand dollars~~ the
12 purchase of any technology infrastructure hardware component for
13 the council if the cost of such component is in excess of ten
14 thousand dollars and if such cost will be paid with state funds or
15 local tax receipts without approval of the technical panel of the
16 Nebraska Information Technology Commission that the ~~purchases are~~
17 component is in compliance with any applicable commission technical
18 standards.

19 Sec. 9. Section 86-516, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 86-516 The commission shall:

22 (1) Annually by July 1, adopt policies and procedures
23 used to develop, review, and annually update a statewide technology
24 plan;

25 (2) Create an information technology clearinghouse to

1 identify and share best practices and new developments, as well as
2 identify existing problems and deficiencies;

3 (3) Review and adopt policies to provide incentives for
4 investments in information technology infrastructure services;

5 (4) Determine a broad strategy and objectives for
6 developing and sustaining information technology development in
7 Nebraska, including long-range funding strategies, research and
8 development investment, support and maintenance requirements, and
9 system usage and assessment guidelines;

10 (5) Adopt guidelines regarding project planning and
11 management and administrative and technical review procedures
12 involving state-owned or state-supported technology and
13 infrastructure. Governmental entities, state agencies, and
14 noneducation political subdivisions shall submit all projects which
15 use any combination of general funds, federal funds, or cash funds
16 for information technology purposes to the process established
17 by sections 86-512 to 86-524. Purchases of any technology
18 infrastructure hardware component by an education-related political
19 subdivision shall be reviewed and approved by the technical panel
20 before purchase to assure compliance with technical standards if
21 the cost of such component exceeds ten thousand dollars and such
22 cost will be paid with state funds or local tax receipts. The
23 commission may adopt policies that establish the format and minimum
24 requirements for project submissions. The commission may monitor
25 the progress of any such project and may require progress reports;

1 (6) Adopt minimum technical standards, guidelines, and
2 architectures upon recommendation by the technical panel;

3 (7) Establish ad hoc technical advisory groups to study
4 and make recommendations on specific topics, including workgroups
5 to establish, coordinate, and prioritize needs for education,
6 local communities, intergovernmental data communications, and state
7 agencies;

8 (8) By November 15 of each even-numbered year, make
9 recommendations on technology investments to the Governor and the
10 Legislature, including a prioritized list of projects, reviewed by
11 the technical panel pursuant to section 86-521;

12 (9) Approve grants from the Community Technology Fund and
13 Government Technology Collaboration Fund;

14 (10) Adopt schedules and procedures for reporting needs,
15 priorities, and recommended projects;

16 (11) Assist the Chief Information Officer in developing
17 and maintaining Network Nebraska pursuant to section 86-5,100; and

18 (12) Determine the format that state agencies, boards,
19 and commissions shall use to report their information technology
20 plans under section 86-524.01. The commission shall include an
21 analysis of such plans in the statewide technology plan.

22 Sec. 10. Section 86-520, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 86-520 The Chief Information Officer shall:

25 (1) Maintain, in cooperation with the Department of

1 Administrative Services, an inventory of noneducation state
2 government technology assets, including hardware, applications, and
3 data bases;

4 (2) Recommend policies and guidelines for acceptable and
5 cost-effective use of information technology in noneducation state
6 government;

7 (3) Advise the Governor and Legislature on policy issues
8 affecting noneducation state government related to information
9 technology;

10 (4) Coordinate efforts among other noneducation state
11 government technology agencies and coordinating bodies;

12 (5) Implement a strategic, tactical, and project planning
13 process for noneducation state government information technology
14 that is linked to the budget process;

15 (6) Assist the budget division of the Department
16 of Administrative Services and Legislative Fiscal Analyst in
17 evaluating technology-related budget requests;

18 (7) Work with each governmental department and
19 noneducation state agency to evaluate and act upon opportunities
20 to more efficiently and effectively deliver government services
21 through the use of information technology;

22 (8) Recommend to the Governor and Legislature methods for
23 improving the organization and management of data by noneducation
24 agencies to achieve the goals of making information sharable and
25 reusable, eliminating redundancy of data and programs, improving

1 the quality and usefulness of data, and improving access to data,
2 and implement such recommendations as the Governor or Legislature
3 may direct;

4 (9) Monitor the status of major noneducation state
5 government technology projects;

6 (10) Establish and maintain Network Nebraska pursuant to
7 section 86-5,100;

8 ~~(11) Bid for telecomputing and distance education~~
9 ~~equipment pursuant to section 79-1233;~~

10 ~~(12)~~ (11) Apply in aggregate for reimbursements from
11 the federal Universal Service Fund pursuant to section 254 of
12 the Telecommunications Act of 1996, 47 U.S.C. 254, as such
13 section existed on January 1, 2006, on behalf of school districts
14 requesting to be included in such aggregated application;

15 ~~(13)~~ (12) Administer such funds as may be appropriated to
16 the Chief Information Officer by the Legislature;

17 ~~(14)~~ (13) Monitor the status of information technology
18 projects that are enterprise projects;

19 ~~(15)~~ (14) Collect information from state agencies,
20 boards, and commissions as provided in section 86-524.01; and

21 ~~(16)~~ (15) Complete other tasks as assigned by the
22 Governor.

23 Sec. 11. Section 86-521, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 86-521 (1) A technical panel is created. The technical

1 panel shall be comprised of one representative from the Nebraska
2 Educational Telecommunications Commission, one representative from
3 the office of Chief Information Officer, one representative from
4 the University of Nebraska Computing Services Network, and such
5 other members as specified by the Nebraska Information Technology
6 Commission.

7 (2) The technical panel shall review any technology
8 project presented to the Nebraska Information Technology Commission
9 including any recommendations by working groups established under
10 sections 86-512 to 86-524. Upon the conclusion of the review
11 of a technology project or request for additional funding, the
12 technical panel shall provide its analysis to the commission. The
13 technical panel may recommend technical standards and guidelines to
14 be considered for adoption by the commission. Such standards
15 and guidelines shall not unnecessarily restrict the use of
16 new technologies or prevent commercial competition, including
17 competition with Network Nebraska.

18 (3) At the request of any education-related political
19 subdivision, the technical panel shall review proposed technology
20 infrastructure hardware component purchases for compliance with
21 the commission's technical standards. The findings shall be shared
22 with the education-related political subdivision that requested
23 the review within sixty days after receipt of the request by the
24 technical panel.

25 Sec. 12. Section 86-5,100, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 86-5,100 The Chief Information Officer, in partnership
3 with the University of Nebraska, shall develop and maintain a
4 statewide, multipurpose, high capacity, scalable telecommunications
5 network to be called Network Nebraska. The network shall consist of
6 contractual arrangements with providers to meet the demand of state
7 agencies, local governments, and educational entities as defined in
8 section 79-1201.01. Such network shall provide access to a reliable
9 and affordable infrastructure capable of carrying a spectrum of
10 services and applications, including distance education, across
11 the state. The Chief Information Officer shall provide access to
12 each school district, each educational service unit, each community
13 college, each state college, and the University of Nebraska at the
14 earliest feasible date and no later than July 1, 2012. Access may
15 be provided through educational service units or other aggregation
16 points. Participation in Network Nebraska shall not be required for
17 any educational entity except the University of Nebraska. The Chief
18 Information Officer shall aggregate demand for those state agencies
19 and educational entities choosing to participate and shall reduce
20 costs for participants whenever feasible. The Chief Information
21 Officer shall establish a cost structure based on actual costs,
22 including necessary ~~plus~~ administrative expenses but not including
23 travel or conference expenses, and shall charge participants
24 according to such cost structure. The Chief Information Officer
25 shall annually provide a detailed report of such costs to each

1 participant and to the Legislative Fiscal Analyst.

2 Sec. 13. Original sections 79-1233, 79-1241.02, 79-1245,
3 79-1247, 79-1248, 79-1249, 86-516, 86-520, 86-521, and 86-5,100,
4 Reissue Revised Statutes of Nebraska, and sections 79-1241.01 and
5 79-1241.03, Revised Statutes Supplement, 2009, are repealed.

6 Sec. 14. The following sections are outright repealed:
7 Sections 79-1243 and 79-1331, Reissue Revised Statutes of Nebraska.

8 Sec. 15. Since an emergency exists, this act takes effect
9 when passed and approved according to law.