

LEGISLATIVE BILL 472

Approved by the Governor May 28, 1975

Introduced by Appropriations Committee, Marvel, 33,
Chmn.; Stull, 49; Johnson, 15; Savage, 10; S.
Marsh, 29

AN ACT to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Administrative Services; to increase the duties of the data processing administrator as prescribed; to harmonize provisions; to prohibit the release of data except as prescribed; to provide a penalty; to define a term; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-1117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1117. Subject to review and approval by the Director of Administrative Services, the data processing administrator shall have the following powers, duties, and responsibilities:

(1) He shall be empowered to 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;

(2) He shall review the potential application of machine data processing to any work performed outside the central data processing service division, or by any department or agency of the state, or any subdivision of any department or agency of the state, and if he shall find that the costs of mechanizing such work will not exceed present costs or that efficiencies may be achieved, he may accept responsibility for the performance of such work;

(3) He shall, with the approval of the director, be empowered to 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 central data processing service division for any agency or department of the state;

(4) He shall provide for a separate bureau within the data processing division which shall be organized to

provide services such as system review, system design, feasibility studies, machine reviews, and for long-range planning and management services within the division;

(5) He shall be authorized to review the operations of machine data processing installations as may exist in any department or agency of the state and shall be empowered to cause such operations to be merged with those of the central data processing service division in the event that a cost analysis shows that economic advantage may be achieved. He shall have authority to permit the establishment of departmental or agency data processing machine operations in any department or agency of the state if his analysis of feasibility shall show a potential economy or a substantial convenience for the state incident to such separate establishment;

(6) He shall prepare a biennial 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 biennium period, to be informed of its proportional share of service division costs for inclusion within their respective budget requests;

(7) He shall provide for a system of charges for services rendered by the central data processing service 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 charges shall, as nearly as may be practical, reflect the actual costs of hours or fractions thereof, of machine time utilized in performance of services for such department or agency. The maximum hourly charges to be billed for services performed by the central data processing service division ~~for the 1969-71 biennium~~ shall be as follows: (a) Clerical, four dollars; (b) data input, six dollars; (c) sorter, five dollars and fifty cents; (d) collator, five dollars and fifty cents; (e) computer, one hundred sixty dollars; (f) reproducer, five dollars and fifty cents; (g) accounting machine, fifteen dollars and fifty cents; (h) interpreter, five dollars; (i) detacher, six dollars; (j) decollator, four dollars; (k) folding machine, five dollars and fifty cents; (l) systems programming, twelve dollars; and (m) systems planning, development, and design, eighteen dollars. 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 central data processing

services service division with the resulting need for contractual support to be furnished by another data processing installation, agencies shall be billed at actual cost. The charges received by the department for data processing services shall be credited to a fund hereby created which shall be known as the Data Processing Cash Fund. Expenditures shall be made from such fund to finance the operations of the data processing service division in accordance with appropriations made by the Legislature. Any money in the Data Processing Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259;

(8) He shall provide for the centralization of all state licensing activities and adopt an electronic data processing technique for issuance, renewal and maintenance of all permanent functions for all agencies;

~~(9) He shall undertake to work with the data processing division within the Department of Roads to facilitate the handling of certain administrative programs by the department staff and the full utilization of the computer equipment at the Department of Roads by its handling of certain items currently being done in the department systems; and He may provide data processing services and technical assistance to any subdivision of government as provided for under the Interlocal Cooperation Act;~~

(10) He shall provide for the centralization of all administrative work, ~~currently being done by state agencies to insure the full utilization of the department equipment including that of educational institutions,~~ into the central data processing service division;

~~(11) He shall provide definitions of standards and common data elements; and~~

~~(12) He shall maintain a current inventory of all data processing equipment and system applications, as well as indicators of utilization.~~

Sec. 2. ~~Neither the data processing administrator, the Director of Administrative Services, nor any employee of such administrator or director 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. Any data which is a public record in its original form shall remain a public record when maintained in computer files.~~

Sec. 3. Any public official or employee who shall violate the provisions of section 2 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than three months nor more than six months, and shall be subject to removal from office or discharge in the discretion of the Governor or agency head as appropriate.

Sec. 4. Except as otherwise provided by law, public records shall mean all papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound recordings, or other documents, regardless of physical form, including records produced by or for use with electronic or mechanical data processing devices, and which have been or shall be created or received by any agency or its lawful successor or official thereof in the exercise of his office or in the conduct, transaction, or performance of any business, duty, or function pursued in accordance with law, but shall not include library or museum material made or acquired and preserved solely for reference purposes, extra copies of documents preserved only for convenience of reference, and stock of publications and reproduced documents.

Sec. 5. That original section 81-1117, Reissue Revised Statutes of Nebraska, 1943, is repealed.