

LEGISLATIVE BILL 823

Approved by the Governor March 10, 2008

Introduced by Legislative Performance Audit Committee: Schimek, 27, Chairperson; Flood, 19; Heidemann, 1; McDonald, 41; Preister, 5; Stuthman, 22.

FOR AN ACT relating to information technology; to amend sections 86-501, 86-506, 86-516, 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, 86-530, 86-552, 86-562, 86-563, 86-564, 86-565, 86-569, 86-571, 86-572, and 86-573, Revised Statutes Cumulative Supplement, 2006, and section 86-570, Revised Statutes Supplement, 2007; to change provisions relating to enterprise projects under the Information Technology Infrastructure Act, the Nebraska Information Technology Commission, the Chief Information Officer, the technical panel, and the Information Technology Infrastructure Fund; to provide powers and duties for the Nebraska Information Technology Commission and the Chief Information Officer; to require reporting of information technology plans by state agencies, boards, and commissions; to change and eliminate provisions of the Intergovernmental Data Services Program Act; to rename and change provisions relating to the Geographic Information System Steering Committee; to repeal the Intergovernmental Data Communications Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537, 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545, 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes Cumulative Supplement, 2006.

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

Section 1. Section 86-501, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-501 Sections 86-501 to 86-530 and section 6 of this act shall be known and may be cited as the Information Technology Infrastructure Act.

Sec. 2. Section 86-506, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-506 Enterprise project means an endeavor undertaken over a fixed period of time using information technology, which would have a significant effect on a core business function and or affects multiple government programs, agencies, or institutions. Enterprise project includes all aspects of planning, design, implementation, project management, and training relating to the endeavor.

Sec. 3. Section 86-516, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-516 The commission shall:

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

(2) Create an information technology clearinghouse to identify and share best practices and new developments, as well as identify existing problems and deficiencies;

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

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

(5) Adopt guidelines regarding project planning and management, ~~information sharing,~~ and administrative and technical review procedures involving state-owned or state-supported technology and infrastructure. Governmental entities, state agencies, and political subdivisions shall submit all projects which directly utilize state-appropriated use any combination of general funds, federal funds, or cash funds for information technology purposes to the process established by sections 86-512 to 86-524. Governmental entities and political subdivisions may submit other projects involving information technology to the commission for comment, review, and recommendations. The commission may adopt policies that establish the format and minimum requirements for project submissions. The commission may monitor the progress of any such project and may require progress reports;

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

(7) Establish ad hoc technical advisory groups to study and

make recommendations on specific topics, including workgroups to establish, coordinate, and prioritize needs for education, local communities, intergovernmental data communications, and state agencies;

(8) By November 15 of each even-numbered year, make recommendations on technology investments to the Governor and the Legislature, including a prioritized list of projects, reviewed by the technical panel, ~~for which new or additional funding is requested,~~ pursuant to section 86-521;

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

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

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

(12) Determine the format that state agencies, boards, and commissions shall use to report their information technology plans under section 6 of this act. The commission shall include an analysis of such plans in the statewide technology plan.

Sec. 4. Section 86-520, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-520 The Chief Information Officer shall:

(1) Maintain, in cooperation with the Department of Administrative Services, an inventory of noneducation state government technology assets, including hardware, applications, and data bases;

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

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

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

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

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

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

(8) Recommend to the Governor and Legislature methods for improving the organization and management of data by noneducation agencies to achieve the goals of making information sharable and reusable, eliminating redundancy of data and programs, improving the quality and usefulness of data, and improving access to data, and implement such recommendations as the Governor or Legislature may direct;

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

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

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

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

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

(14) Monitor the status of information technology projects that are enterprise projects;

(15) Collect information from state agencies, boards, and commissions as provided in section 6 of this act; and

~~(14)~~ (16) Complete other tasks as assigned by the Governor.

Sec. 5. Section 86-521, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

(2) The technical panel shall review any technology project

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

Sec. 6. On or before September 15 of each even-numbered year, all state agencies, boards, and commissions shall report to the Chief Information Officer, in a format determined by the commission, an information technology plan that includes an accounting of all technology assets, including planned acquisitions and upgrades.

Sec. 7. Section 86-526, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-526 ~~To authorize enterprise projects and provide funding, it is the intent of the Legislature that:~~

~~(1) A program be created with the goals of:~~

~~(a) Improving the efficiency of and reducing the cost of state government and its various agencies;~~

~~(b) Improving the technical capabilities and productivity of state employees and students, faculty, and administrators in state educational institutions;~~

~~(c) Addressing enterprise-wide information technology issues; and~~

~~(d) Clearly identifying and providing accountability for the costs and benefits of information technology in state government; and~~

~~(2) A fund be created to provide resources for periodic investments in the information technology infrastructure.~~

The commission shall determine which proposed information technology projects are enterprise projects. The commission shall create policies and procedures for the designation of such projects. The commission shall evaluate designated enterprise project plans as authorized in section 86-528.

Sec. 8. Section 86-527, Revised Statutes Cumulative Supplement, 2006, is amended to read:

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

Sec. 9. Section 86-528, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-528 (1) The Legislature may allocate money from the Information Technology Infrastructure Fund for enterprise projects. The Legislature may recognize multiple-year commitments for large projects, subject to available appropriations, including remaining obligations for the century date change project managed by the department.

(2) No contract or expenditure for the implementation of an enterprise project may be initiated unless the commission has approved a project plan. The project plan shall include, but not be limited to, the objectives, scope, and justification of the project; detailed specifications and analyses that guide the project from beginning to conclusion; technical requirements; and project management. The commission may request clarification, require changes, or provide conditional approval of a project plan. In its review, the commission shall determine whether the objectives, scope, timeframe, and budget of the project are consistent with the proposal authorized by the Legislature in its allocation from the fund.

(3) The commission may also evaluate whether the project plan is consistent with the statewide technology plan and the commission's technical standards and guidelines.

~~(4) Pursuant to section 86-520, the Chief Information Officer shall report the status of enterprise projects to the commission, Governor, and Legislature. In addition, the Chief Information Officer shall provide the Legislature a semiannual progress report for enterprise projects funded through the fund.~~

Sec. 10. Section 86-529, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-529 To implement enterprise projects pursuant to sections 86-525 to 86-530, the commission shall:

(1) Develop procedures and issue guidelines regarding the review, approval, and monitoring of enterprise projects; ~~that benefit from the Information Technology Infrastructure Fund,~~ and

(2) ~~Monitor~~ Coordinate with the Chief Information Officer to monitor the status of enterprise projects, implemented under the Information Technology Infrastructure Act, including a complete accounting of all project costs by fund source.

Sec. 11. Section 86-530, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-530 The ~~commission~~ Chief Information Officer shall report annually to the Governor and the Appropriations Committee of the Legislature concerning its activities pursuant to the Information Technology Infrastructure Act, on the status of enterprise projects.

Sec. 12. Section 86-552, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-552 For purposes of the Intergovernmental Data Services Program Act, the definitions found in sections ~~86-553~~ 86-554 to 86-561 apply.

Sec. 13. Section 86-562, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-562 The purpose of the system is to allow for the efficient operation of state government and its political subdivisions. In managing and allocating resources on the system, the ~~administrator~~ officer shall assign first priority to providing capacity for statewide applications that are essential to carrying out the duties of state agencies in an efficient and effective manner. The system may also serve local data processing needs of political subdivisions, provide citizens with a point of access to governmental services and information, and serve other state and local needs, subject to available resources.

Sec. 14. Section 86-563, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-563 In establishing and maintaining the system:

(1) The division:

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

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

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

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

(2) The ~~administrator~~ officer:

(a) Shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the ~~administrator~~ officer that examines the cost-effectiveness, technical feasibility, and potential use of the proposed application; that identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation; and that provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The ~~administrator~~ officer shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible;

(b) Shall approve changes in the design of applications by state agencies for use on the system. The ~~administrator~~ officer may require such information from the agency as necessary to determine that the proposed change in design is cost effective and technically feasible, that funding is available, and that the proposed schedule for implementation is reasonable and feasible;

(c) May, ~~with the approval of the officer,~~ contract with other governmental entities or private vendors in carrying out the duties relating

to the intergovernmental data services program;

(d) ~~Shall, in cooperation with the division of communications,~~ establish a rate schedule that reflects the rates adopted by the division of communications and the information management services division, plus any additional costs of the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment or services, or a combination of these factors. The ~~administrator~~ officer may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation;

(e) ~~May, with the approval of the officer,~~ enter into agreements with other state and local governments, the federal government, or private-sector entities for the purpose of sale, lease, or licensing for third-party resale of applications and system design. Proceeds from such agreements shall be deposited to the Data Systems Cash Fund;

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

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

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

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

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

Sec. 15. Section 86-564, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-564 (1) The ~~administrator~~ officer shall submit as part of the biennial budget request of the office a listing of all applications submitted for consideration, cost estimates for development, testing, and full operation of each application, a recommended priority listing of the applications for which an evaluation is completed, and funding recommendations by application contained within the budget request for the division. All application estimates and requests shall be scheduled over ensuing fiscal years such that annual projected costs and completion of application phases to the point of fully operational status can be clearly determined. Local applications shall not be subject to the provisions of this subsection.

(2) All development costs for approved new applications shall be budgeted and appropriated to the division or to participating state agencies at the discretion of the Legislature. Agencies may independently request appropriations for such application development, however such requests shall be subject to the review and prioritization set forth in subdivision (2)(a) of section 86-563, and at such time as the application becomes an authorized application and funded by the Legislature, the cost of such development shall be appropriated to the division or to participating state agencies. To the extent possible, if office cash or revolving funds or federal funds may be used for application development, such funds may be transferred to the division and expended for application development in order to properly account for all costs associated with application development.

Sec. 16. Section 86-565, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-565 The ~~administrator~~ officer may adopt and promulgate rules, regulations, guidelines, and procedures to carry out sections 86-563 and 86-564.

Sec. 17. Section 86-569, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-569 (1) The Legislature finds that ~~the Geographic Information System is~~ Systems are a computer-based technology that captures, stores, analyzes, and displays information about the earth's surface from a geographically referenced ~~system,~~ systems, that an interest in the ~~system~~ systems is rapidly increasing at all levels of government, and that an institutional mechanism is needed to encourage initiatives, coordinate efforts, avoid duplication, seek efficiencies, develop guidelines, policies, and standards for operations and management, promote education and training, and make recommendations so that such technology will benefit the entire state

and endure as an analysis tool for decisionmakers.

~~(2) The Intergovernmental Data Communications Advisory Council has found that there are many levels of experience, expertise, and hardware and software sophistication among the various levels of government and that guidelines, policies, coordination, and standards are required to realize the maximum benefits of this technology, avoid data quality problems, and resolve conflicts at a reasonable cost for the state.~~

~~(3) (2) It is the intent of the Legislature that a Geographic Information System Steering Committee Systems Council be created with statewide responsibilities to take an active role in implementing the Geographic Information System. Such committee council would help facilitate acquisition of such technology at all levels of government and make recommendations to the Legislature for program initiatives and funding and the fostering of communication, training, and education.~~

(3) It is the intent of the Legislature that the Geographic Information Systems Council serve as an advisory council to the Nebraska Information Technology Commission and assist the commission in its overall information technology planning and oversight and provide technical advice and recommendations related to the specialized needs of Geographic Information Systems.

Sec. 18. Section 86-570, Revised Statutes Supplement, 2007, is amended to read:

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

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

(b) The Director-State Engineer or designee;

(c) The State Surveyor or designee;

(d) The Clerk of the Legislature or designee;

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

(f) The Property Tax Administrator or designee;

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

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

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

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

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

(l) Two members at large appointed by the Governor; and-

(m) Such other members as nominated by the Nebraska Information Technology Commission and appointed by the Governor.

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

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

Sec. 19. Section 86-571, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-571 (1) The Geographic Information System Steering Committee Systems Council shall elect a chairperson from its members and such other officers as the committee council deems necessary.

(2) As the need arises, advisory committees may be established by the committee council from various levels of government, industry, or the general public to assist the committee council. The members of advisory committees shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The ~~committee~~ council shall meet quarterly or upon the call of the chairperson.

Sec. 20. Section 86-572, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-572 The Geographic Information System Steering Committee Systems Council shall:

(1) Make recommendations to the Legislature and the Nebraska Information Technology Commission for program initiatives and funding;

(2) Establish guidelines and policies for statewide Geographic Information System Systems operations and management to include:

(a) The acquisition, development, maintenance, quality assurance such as ~~quality control~~ standards, access, ownership, cost recovery, and priorities of data bases;

(b) The compatibility, acquisition, and communications of hardware and software;

(c) The assessment of needs, identification of scope, setting of standards, and determination of an appropriate enforcement mechanism;

(d) The fostering of training programs and promoting education and information about ~~the Geographic Information System~~, Systems; and

(e) The promoting of ~~the Geographic Information System~~ Systems development in the State of Nebraska and providing or coordinating additional support to address Geographic Information System Systems issues as such issues arise;

(3) Report to, assist, and advise the Chief Information Officer in setting information technology policy; and

(4) Provide assistance as requested by the Nebraska Information Technology Commission ~~to~~ commission and support the technical panel created in section 86-521.

Sec. 21. Section 86-573, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-573 ~~Annually, the chairperson of the Geographic Information System Steering Committee shall submit a written report, approved by the committee, to the Governor and the Clerk of the Legislature and shall send a copy of such report to the Intergovernmental Data Communications Advisory Council.~~

The Geographic Information Systems Council shall provide a report of its activities to the Nebraska Information Technology Commission for inclusion in the biannual progress report submitted to the Governor and the Legislature by the commission pursuant to section 86-518.

Sec. 22. Original sections 86-501, 86-506, 86-516, 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, 86-530, 86-552, 86-562, 86-563, 86-564, 86-565, 86-569, 86-571, 86-572, and 86-573, Revised Statutes Cumulative Supplement, 2006, and section 86-570, Revised Statutes Supplement, 2007, are repealed.

Sec. 23. The following sections are outright repealed: Sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537, 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545, 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes Cumulative Supplement, 2006.