

LEGISLATIVE BILL 307

Approved by the Governor June 9, 1997

Introduced by Wesely, 26

AN ACT relating to health and human services; to amend sections 28-406 to 28-408, 28-428, 28-430, 28-431, 28-434, 43-119, 43-121, 43-124 to 43-127, 43-130 to 43-135, 43-137 to 43-146, 43-146.02, 43-146.04 to 43-146.16, 43-2002, 43-2004 to 43-2006, 43-2009, 43-2012, 68-1027, 68-1028, 68-1037.03, 68-1037.04, 69-2409.01, 70-101, 71-121, 71-121.01, 71-141, 71-151, 71-151, 71-157, 71-158, 71-161.10, 71-172.01, 71-174.01, 71-1,136.01, 71-1,142, 71-1,147.08, 71-1,147.41, 71-1,154, 71-1,234, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-390, 71-604, 71-604.05, 71-605, 71-606, 71-608.01, 71-612, 71-614, 71-616.04, 71-616.05, 71-617.02, 71-617.06 to 71-617.15, 71-626 to 71-630, 71-636, 71-639, 71-640.02, 71-641, 71-642, 71-649, 71-1405, 71-1536, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913, 71-1913.02, 71-2003, 71-2097 to 71-20,101, 71-20,103, 71-2610.01, 71-3406, 71-3708, 71-3710, 71-5509, 71-5514, 71-5515.01, 71-6043, 71-6048, 71-6059, 71-6066, 71-7804, 71-7806, 77-27,160, 77-27,161, 77-27,163.01 to 77-27,169, 77-27,171 to 77-27,173, 77-27,208, 79-215, 79-1178, 80-605, 81-502, 81-505.01, and 81-683, Reissue Revised Statutes of Nebraska, and sections 9-810, 28-343, 28-401, 28-410, 28-414, 28-713, 32-327, 42-347, 42-358, 42-358.08, 42-723, 43-104.07, 43-106.02, 43-107, 43-247, 43-512.02, 43-512.03, 43-512.05 to 43-512.07, 43-512.12 to 43-512.15, 43-512.17, 43-536, 43-701, 43-702, 43-705, 43-707, 43-708, 43-1301, 43-1314.01, 43-1408.01, 43-1704, 43-1706, 43-1718.02, 43-1720, 43-2003, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 44-3,144, 46-656.28, 46-656.51, 48-647, 58-710, 81-15,102, 83-125, 83-126, 83-227.01, 83-305.04, 83-308, 83-324, 83-336, 83-339, 83-340, 83-901, 83-925.01, 83-1068, 83-1214, 90-511, and 90-522, Revised Statutes Supplement, 1996; to eliminate references to the Bureau of Examining Boards, section of Hospitals and Medical Facilities, Bureau of Vital Statistics, and director of maternal and child health; to change references to departments and directors which no longer exist; to transfer duties between departments; to change provisions relating to false claims; to eliminate obsolete provisions; to correct internal references; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-2206, 81-601.01, and 83-4,100, Reissue Revised Statutes of Nebraska, and sections 43-120, 43-122, and 83-162.05, Revised Statutes Supplement, 1996; and to declare an emergency.

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

Section 1. Section 9-810, Revised Statutes Supplement, 1996, is amended to read:

9-810. (1) A person under nineteen years of age shall not purchase a lottery ticket. No lottery ticket shall be sold to any person under nineteen years of age. No person shall purchase a lottery ticket for a person under nineteen years of age, and no person shall purchase a lottery ticket for the benefit of a person under nineteen years of age.

(2) No lottery ticket shall be sold and no prize shall be awarded to the Tax Commissioner, the director, or any employee of the division or any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of the Tax Commissioner, the director, or any employee of the division.

(3) With respect to a lottery game retailer under contract to sell lottery tickets whose rental payment for premises is contractually computed in whole or in part on the basis of a percentage of retail sales and when the computation of retail sales is not explicitly defined to include the sale of lottery tickets, the amount of retail sales for lottery tickets by the retailer for purposes of such a computation may not exceed the amount of compensation received by the retailer from the division.

(4) Once any prize is awarded in conformance with the State Lottery Act and any rules and regulations adopted under the act, the state shall have no further liability with respect to that prize.

(5) Prior to the payment of any lottery prize in excess of five hundred dollars for a winning lottery ticket presented for redemption to the

division, the division shall check the name and social security number of the winner with a list provided by the Department of Revenue of people identified as having an outstanding state tax liability and a list of people certified by the Department of Health and Human Services Finance and Support as owing a debt as defined in section 77-27,161. The division shall credit any such lottery prize against any outstanding state tax liability owed by such winner and the balance of such prize amount, if any, shall be paid to the winner by the division. The division shall credit any such lottery prize against any certified debt in the manner set forth in sections 77-27,160 to 77-27,173. If the winner has both an outstanding state tax liability and a certified debt, the division shall add the liability and the debt together and pay the appropriate agency or person a share of the prize in the proportion that the liability or debt owed to the agency or person is to the total liability and debt.

Sec. 2. Section 28-343, Revised Statutes Supplement, 1996, is amended to read:

28-343. The Department of Health and Human Services Finance and Support shall prescribe an abortion reporting form which shall be used for the reporting of every abortion performed in this state. Such form shall include the following items:

- (1) The age of the pregnant woman;
- (2) The location of the facility where the abortion was performed;
- (3) The type of procedure performed;
- (4) Complications, if any;
- (5) The name of the attending physician;
- (6) The pregnant woman's obstetrical history regarding previous pregnancies, abortions, and live births;
- (7) The stated reason or reasons for which the abortion was requested;
- (8) The state of the pregnant woman's legal residence;
- (9) The length and weight of the aborted child, when measurable;
- (10) Whether an emergency situation caused the physician to waive any of the requirements of section 28-327; and
- (11) Such other information as may be prescribed in accordance with section 71-602.

The completed form shall be signed by the attending physician and sent to the Bureau of Vital Statistics department within fifteen days after each reporting month. The completed form shall be an original, typed or written legibly in durable ink, and shall not be deemed complete unless the omission of any item of information required shall have been disclosed or satisfactorily accounted for. Carbon copies shall not be acceptable. The abortion reporting form shall not include the name of the person upon whom the abortion was performed. The abortion reporting form shall be confidential and shall not be revealed except upon the order of a court of competent jurisdiction in a civil or criminal proceeding.

Sec. 3. Section 28-401, Revised Statutes Supplement, 1996, is amended to read:

28-401. As used in the Uniform Controlled Substances Act, unless the context otherwise requires:

- (1) Administer shall mean the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (a) A practitioner or, in his or her presence, by his or her authorized agent; or (b) the patient or research subject at the direction and in the presence of the practitioner;
- (2) Agent shall mean an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. Agent shall not include a common or contract carrier, public warehouse keeper, or employee of the carrier or warehouse keeper;
- (3) Administration shall mean the Drug Enforcement Administration, United States Department of Justice;
- (4) Controlled substance shall mean a drug, substance, or immediate precursor in Schedules I to V of section 28-405. Controlled substance shall not include distilled spirits, wine, malt beverages, tobacco, or any nonnarcotic substance if such substance may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription;
- (5) Counterfeit substance shall mean a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the

product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(6) Department shall mean the Department of Health and Human Services Regulation and Licensure personnel who are responsible for the enforcement of the Uniform Controlled Substances Act in the areas assigned to it by the act;

(7) Division of Drug Control shall mean the personnel of the Nebraska State Patrol who are assigned to enforce the Uniform Controlled Substances Act;

(8) Bureau of Examining Boards shall mean personnel of the department responsible for the enforcement of the Uniform Controlled Substances Act in the areas assigned to it by the act;

~~(9)~~ Dispense shall mean to deliver a controlled substance to an ultimate user or a research subject pursuant to the lawful order or prescription of a physician, dentist, veterinarian, or other medical practitioner licensed under the laws of this state to prescribe drugs, including the packaging, labeling, or compounding necessary to prepare the substance for such delivery. Dispenser shall mean the apothecary, pharmacist, or other practitioner, duly licensed, who dispenses a controlled substance to an ultimate user or a research subject;

~~(10)~~ (9) Distribute shall mean to deliver other than by administering or dispensing a controlled substance. Distributor shall mean a person who so distributes a controlled substance;

~~(11)~~ (10) Prescribe shall mean the act of a physician, surgeon, dentist, veterinarian, or other medical practitioner licensed under the laws of this state in issuing an order, prescription, or direction to a pharmacist or pharmacy to dispense a drug as required by the laws of this state;

~~(12)~~ (11) Drug shall mean (a) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them, (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals, and (c) substances intended for use as a component of any article specified in subdivision (a) or (b) of this subdivision, but shall not include devices or their components, parts, or accessories;

~~(13)~~ (12) Deliver or delivery shall mean the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship;

~~(14)~~ (13) Marijuana shall mean all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, but shall not include the mature stalks of such plant, hashish, tetrahydrocannabinols extracted or isolated from the plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, or the sterilized seed of such plant which is incapable of germination. When the weight of marijuana is referred to in the Uniform Controlled Substances Act, it shall mean its weight at or about the time it is seized or otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time;

~~(15)~~ (14) Manufacture shall mean the production, preparation, propagation, compounding, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging of the substance or labeling or relabeling of its container, except that manufacture shall not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance: (a) By a practitioner as an incident to his or her prescribing, administering, or dispensing of a controlled substance in the course of his or her professional practice; or (b) by a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale;

~~(16)~~ (15) Narcotic drug shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (a) Opium, opium poppy and poppy straw, coca leaves, and opiates; (b) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; or (c) a substance and any compound, manufacture, salt, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to

in subdivisions (a) and (b) of this subdivision, except that the words narcotic drug as used in the Uniform Controlled Substances Act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine, or isoquinoline alkaloids of opium;

{17} (16) Opiate shall mean any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. Opiate shall not include the dextrorotatory isomer of 3-methoxy-n methylmorphinan and its salts. Opiate shall include its racemic and levorotatory forms;

{18} (17) Opium poppy shall mean the plant of the species *Papaver somniferum* L., except the seeds thereof;

{19} (18) Poppy straw shall mean all parts, except the seeds, of the opium poppy after mowing;

{20} (19) Person shall mean any corporation, association, partnership, limited liability company, or one or more individuals;

{21} (20) Practitioner shall mean a physician, dentist, veterinarian, pharmacist, scientific investigator, pharmacy, or hospital, licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

{22} (21) Production shall include the manufacture, planting, cultivation, or harvesting of a controlled substance;

{23} (22) Immediate precursor shall mean a substance which is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture;

{24} (23) State shall mean the State of Nebraska;

{25} (24) Ultimate user shall mean a person who lawfully possesses a controlled substance for his or her own use, for the use of a member of his or her household, or for administration to an animal owned by him or her or by a member of his or her household;

{26} (25) Physician shall mean a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state;

{27} (26) Dentist shall mean a person authorized by law to practice dentistry in this state;

{28} (27) Veterinarian shall mean a person authorized by law to practice veterinary medicine in this state;

{29} (28) Hospital shall mean an institution for the care and treatment of sick and injured human beings and approved by the department;

{30} (29) Podiatrist shall mean a person authorized by law to practice podiatry and who has graduated from an accredited school of podiatry in or since 1935;

{31} (30) Apothecary shall mean a licensed pharmacist as defined by the laws of this state and, when the context so requires, the owner of the store or other place of business where drugs are compounded or dispensed by a licensed pharmacist, but nothing in this subdivision shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege that is not granted to him or her by the pharmacy laws of this state;

{32} (31) Nothing in the Uniform Controlled Substances Act shall be construed as authority for a practitioner to perform an act for which he or she is not authorized by the laws of this state;

{33} (32) Cooperating individual shall mean any person, other than a commissioned law enforcement officer, who acts on behalf of, at the request of, or as agent for a law enforcement agency for the purpose of gathering or obtaining evidence of offenses punishable under the Uniform Controlled Substances Act;

{34} (33) Hashish or concentrated cannabis shall mean: (a) The separated resin, whether crude or purified, obtained from a plant of the genus cannabis; or (b) any material, preparation, mixture, compound, or other substance which contains ten percent or more by weight of tetrahydrocannabinols;

{35} (34) Exceptionally hazardous drug shall mean (a) a narcotic drug, (b) thiophene analog of phencyclidine, (c) phencyclidine, (d) amobarbital, (e) secobarbital, or (f) pentobarbital;

{36} (35) Imitation controlled substance shall mean a substance

which is not a controlled substance but which, by way of express or implied representations and consideration of other relevant factors including those specified in section 28-445, would lead a reasonable person to believe the substance is a controlled substance. A placebo or registered investigational drug manufactured, distributed, possessed, or delivered in the ordinary course of practice or research by a health care professional shall not be deemed to be an imitation controlled substance;

(37) (36) Controlled substance analogue shall mean a substance (a) the chemical structure of which is substantially similar to the chemical structure of a Schedule I or Schedule II controlled substance as provided in section 28-405 or (b) which has a stimulant, depressant, analgesic, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, analgesic, or hallucinogenic effect on the central nervous system of a Schedule I or Schedule II controlled substance as provided in section 28-405. A controlled substance analogue shall, to the extent intended for human consumption, be treated as a controlled substance under Schedule I of section 28-405 for purposes of the Uniform Controlled Substances Act. Controlled substance analogue shall not include (i) a controlled substance, (ii) any substance generally recognized as safe and effective within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., (iii) any substance for which there is an approved new drug application, or (iv) with respect to a particular person, any substance if an exemption is in effect for investigational use for that person, under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent conduct with respect to such substance is pursuant to such exemption; and

(38) (37) Anabolic steroid shall mean any drug or hormonal substance, chemically and pharmacologically related to testosterone, (other than estrogens, progestins, and corticosteroids) that promotes muscle growth and includes any controlled substance in Schedule III(d) of section 28-405. Anabolic steroid shall not include any anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and has been approved by the Secretary of Health and Human Services for such administration, but if any person prescribes, dispenses, or distributes such a steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision.

Sec. 4. Section 28-406, Reissue Revised Statutes of Nebraska, is amended to read:

28-406. (1) The department is authorized to promulgate rules and regulations relating to the registration and control of the manufacture, distribution, prescribing, and dispensing of controlled substances within this state. The registration shall be the responsibility of the Bureau of Examining Boards.

(2) The various fees to be paid by applicants for registrations and annual renewals thereof, as required under the Uniform Controlled Substances Act, shall be as follows:

(a) Registration or reregistration to manufacture controlled substances, not less than fifty dollars and not more than one hundred fifty dollars;

(b) Registration or reregistration to distribute controlled substances, not less than fifty dollars and not more than one hundred fifty dollars;

(c) Registration or reregistration to prescribe, administer, or dispense controlled substances, not less than ten dollars and not more than seventy-five dollars;

(d) Registration or reregistration to engage in research on the use and effects of controlled substances, not less than twenty-five dollars and not more than one hundred dollars; and

(e) Registration or reregistration to engage in laboratory and analytical analysis of controlled substances, not less than twenty-five dollars and not more than one hundred dollars.

(3) All registrations and reregistrations shall expire on August 31 of each year. Registration shall be automatically denied without a hearing for nonpayment of fees. Any registration or reregistration not renewed by payment of annual renewal fees by October 1 shall be automatically denied and canceled on October 1 without a hearing.

Sec. 5. Section 28-407, Reissue Revised Statutes of Nebraska, is amended to read:

28-407. (1) Every person who manufactures, prescribes, distributes, administers, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, prescribing, administering,

distribution, or dispensing of any controlled substance within this state, shall obtain annually a registration issued by the Bureau of Examining Boards department in accordance with the rules and regulations adopted and promulgated, by the department.

(2) The following persons shall not be required to register and may lawfully possess controlled substances under the provisions of the Uniform Controlled Substances Act:

(a) An agent, or an employee thereof, of any practitioner, registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman warehouse keeper, or an employee thereof, whose possession of any controlled substance is in the usual course of his or her business or employment; and

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner.

(3) A separate registration shall be required at each principal place of business of professional practice where the applicant manufactures, distributes, or dispenses controlled substances, except that no registration shall be required in connection with the placement of an emergency box within an institution pursuant to the provisions of the Emergency Box Drug Act.

(4) The Bureau of Examining Boards department is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated, by the department.

Sec. 6. Section 28-408, Reissue Revised Statutes of Nebraska, is amended to read:

28-408. (1) The Bureau of Examining Boards department shall register an applicant to manufacture or distribute controlled substances included in Schedules I to V of section 28-405 unless the department determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest the department shall consider the following factors:

(a) Maintenance of effective controls against diversion of particular controlled substances and any Schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels;

(b) Compliance with applicable state and local law;

(c) Whether the applicant has been convicted of a felony under any law of the United States or of any state or has been convicted of a violation relating to any substances defined in this article the Uniform Controlled Substances Act as a controlled substance under any law of the United States or any state, except that such fact in itself shall not be an automatic bar to registration;

(d) Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion; and

(e) Such other factors as may be relevant to and consistent with the public health and safety.

(2) Registration granted under subsection (1) of this section shall not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II of section 28-405 other than those specified in the registration.

(3) Except as otherwise provided in this section and section 28-409, practitioners shall be registered to prescribe, administer, or dispense substances in Schedules II to V of section 28-405 if they are authorized to prescribe, administer, or dispense under the laws of this state. A registration application by a practitioner who wishes to conduct research with Schedule I substances shall be referred to the department for approval or disapproval. Registration to prescribe, administer, or dispense substances in Schedules II to V of section 28-405 or registration for the purpose of bona fide research with Schedule I substances by a practitioner may be denied only on a ground specified in subsection (1) of section 28-409 or if there are reasonable grounds to believe that the applicant will abuse or unlawfully transfer such substances or fail to safeguard adequately his or her supply of such substances against diversion from legitimate medical or scientific use.

(4) Compliance by manufacturers and distributors with the provisions of the Federal Controlled Dangerous Substances Act respecting registration, excluding fees, shall be deemed compliance with this section.

Sec. 7. Section 28-410, Revised Statutes Supplement, 1996, is amended to read:

28-410. Each registrant manufacturing, distributing, or dispensing controlled substances in Schedule I, II, III, IV, or V of section 28-405 shall

keep and maintain a complete and accurate record of all stocks of such controlled substances on hand. Such records shall be maintained for seven years. Each two-year period, at a time provided for by rule and regulation to be promulgated by the department, each registrant manufacturing, distributing, or dispensing controlled substances shall prepare an inventory of each controlled substance in his or her possession. Records and inventories shall contain such information as shall be required by rules and regulations promulgated by the department. All registration and reregistration fees shall be remitted to the Bureau of Examining Boards department and credited to the Pharmacy Fund for the express purpose of the enforcement responsibilities of the department in accordance with the provisions of the Uniform Controlled Substances Act. This section shall not apply to practitioners who lawfully prescribe, administer, or occasionally dispense as a part of their professional practice, controlled substances listed in Schedule II, III, IV, or V of section 28-405, unless such practitioner regularly engages in dispensing any such drug or drugs to his or her patients for which they are charged either separately or together with charges for other professional services.

Sec. 8. Section 28-414, Revised Statutes Supplement, 1996, is amended to read:

28-414. (1)(a) Except as provided in subdivision (1)(b) of this section or when administered directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance included in Schedule II of section 28-405 may be dispensed without the written prescription of a practitioner, except that in emergency situations as prescribed by the department by rule and regulation, such substance may be dispensed pursuant to a facsimile prescription bearing the word emergency or upon oral prescription reduced promptly to writing in conformity with subdivision (4)(b) of this section and filed by the pharmacist. No prescription for a Schedule II substance may be refilled.

(b)(i) A prescription for a controlled substance included in Schedule II of section 28-405 may be transmitted by the practitioner to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review prior to the actual dispensing of the controlled substance except as provided in subdivision (1)(b)(ii) or (1)(b)(iii) of this section.

(ii) A prescription written for a narcotic controlled substance included in Schedule II of section 28-405 to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be transmitted by the practitioner to the pharmacy by facsimile equipment for the purpose of home infusion therapy. The facsimile shall serve as the original written prescription for purposes of subdivision (1)(b)(ii) of this section and it shall be maintained in accordance with the provisions of subdivision (4)(a) of this section.

(iii) A prescription written for a controlled substance included in Schedule II of section 28-405 for a resident of a long-term care facility may be transmitted by the practitioner to the dispensing pharmacy by facsimile equipment. The facsimile shall serve as the original written prescription for purposes of subdivision (1)(b)(iii) of this section and it shall be maintained in accordance with the provisions of subdivision (4)(a) of this section.

(iv) The partial filling of a prescription for a controlled substance listed in Schedule II of section 28-405 is permissible if the pharmacist does not supply the full quantity called for in a written, emergency oral, or facsimile prescription and he or she makes a notation of the quantity supplied on the face of the written prescription or written record of the emergency oral or facsimile prescription. The remaining portion of the prescription may be filled within seventy-two hours of the first partial filling; however, if the remaining portion is not or cannot be filled within the seventy-two-hour period, the pharmacist shall so notify the prescribing practitioner. No further quantity may be supplied beyond seventy-two hours without a new prescription.

(c) A prescription for a controlled substance listed in Schedule II of section 28-405 written for a patient in a long-term care facility or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities to include individual dosage units. If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall contact the practitioner prior to partially filling the prescription. Both the pharmacist and the prescribing practitioner have a corresponding responsibility to assure that the controlled substance is for a terminally ill patient. The pharmacist shall record on the prescription whether the patient is terminally ill or a long-term care facility patient. Except as provided in subdivision (1)(b)(iv) of this section, a prescription

that is partially filled and does not contain the notation terminally ill or long-term care facility patient shall be deemed to have been filled in violation of the Uniform Controlled Substances Act. For each partial filling, the dispensing pharmacist shall record on the back of the prescription or on another appropriate record, uniformly maintained and readily retrievable, the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. Prior to any subsequent partial filling the pharmacist is to determine that the additional partial filling is necessary. The total quantity of Schedule II controlled substances dispensed in all partial fillings shall not exceed the total quantity prescribed. Schedule II prescriptions for patients in a long-term care facility or patients with a medical diagnosis documenting a terminal illness shall be valid for a period not to exceed sixty days from the date of issuance unless sooner terminated by the discontinuance of medication.

(2)(a) Except as provided in subdivision (2)(b) of this section or when administered directly by a practitioner, other than a pharmacist, to an ultimate user, no other controlled substance included in Schedule III or IV of section 28-405 which is a prescription drug as determined under the laws of this state or the laws of the United States may be dispensed without a written or oral prescription. Such prescription may not be filled more than six months after the date of the prescription. Practitioner authorization shall be required to refill any such prescription. Such refills may not occur more than five times within six months after the date of the prescription.

(b) A prescription for a controlled substance included in Schedule III or IV of section 28-405 may be transmitted by the practitioner to a pharmacy by facsimile equipment. The facsimile shall serve as the original written prescription for purposes of this subdivision and it shall be maintained in accordance with the provisions of subdivision (4)(c) of this section.

(c) A prescription for a controlled substance listed in Schedule III or IV of section 28-405 may be filled in partial quantities if (i) each partial filling is recorded in the same manner as a refilling, (ii) the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed, and (iii) each partial filling is dispensed within six months after the date on which the prescription was issued.

(3)(a) Except as provided in subdivision (3)(b) of this section or when administered directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance included in Schedule V of section 28-405 may be dispensed without a written or oral prescription.

(b) A prescription for a controlled substance included in Schedule V of section 28-405 may be transmitted by the practitioner to a pharmacy by facsimile equipment. The facsimile shall serve as the original written prescription for purposes of this subdivision and it shall be maintained in accordance with the provisions of subdivision (4)(c) of this section.

(4)(a) Prescriptions for all Schedule II controlled substances shall be kept in a separate file by the practitioner, shall be maintained for a minimum of seven years, and shall be available to authorized agents of the Bureau of Examining Boards department and the Division of Drug Control for inspection without any requirement for obtaining a search warrant.

(b) All prescriptions for controlled substances in Schedule II of section 28-405 shall contain the name and address of the patient and the name and address of the prescribing practitioner, including the registry number under the federal narcotic laws of the prescribing practitioner. The pharmacist or practitioner filling the prescription shall write the date of filling and his or her own signature on the face of the prescription. If the prescription is for an animal, it shall state the name and address of the owner of the animal and the species of the animal.

(c) Prescriptions for all controlled substances in Schedules III, IV, and V of section 28-405 shall be filed separately from other prescriptions in a single file by the practitioner and shall be maintained for a minimum of seven years. The practitioner shall be required to make all prescription files readily available to authorized agents of the Bureau of Examining Boards department and the Division of Drug Control for inspection without any requirement for obtaining a search warrant.

(d) All prescriptions for controlled substances in Schedules III, IV, and V of section 28-405 shall contain the name and address of the patient and the name and address of the prescribing practitioner, including the registry number of the prescribing practitioner under the federal narcotics laws. If the prescription is for an animal, it shall state the owner's name and address and species of the animal.

(e) The owner of any stock of controlled substances in Schedules I and II of section 28-405, upon discontinuance of the dealing in such

substances, may sell such substances to a manufacturer, wholesaler, or apothecary but only on an official order form as required by section 28-413.

(f) No pharmacist or dispensing practitioner shall dispense any controlled substance contained in Schedule II of section 28-405 without affixing to the container in which the substance is dispensed a label bearing the name and address of the pharmacy or dispensing practitioner, the name of the patient, the date of filling, the consecutive number of the prescription under which it is recorded in the practitioner's prescription files, the name of the physician, dentist, veterinarian, or other prescribing practitioner who prescribes it, and the directions for the use of the drug. Unless the prescribing practitioner writes do not label or words of similar import on the prescription or so designates in an oral or facsimile transmission of the prescription, all prescriptions for a controlled substance contained in Schedule II of section 28-405 shall bear upon the label the name of the substance in the container.

(g) No pharmacist or dispensing practitioner shall dispense any controlled substance contained in Schedules III, IV, and V of section 28-405 without affixing to the container in which the substance is dispensed a label bearing the name and address of the pharmacy or dispensing practitioner, the name of the patient, the date of initial filling, the consecutive number of the prescription under which it is recorded in the practitioner's prescription files, the name of the physician, dentist, veterinarian, or other prescribing practitioner who prescribes it, and the directions for the use of the drug. Unless the prescribing practitioner writes do not label or words of similar import on the prescription or so designates in an oral or facsimile transmission of the prescription, all prescriptions for a controlled substance contained in Schedules III, IV, and V of section 28-405 shall bear upon the label the name of the substance in the container.

Sec. 9. Section 28-428, Reissue Revised Statutes of Nebraska, is amended to read:

28-428. (1) Administrative inspections of controlled premises are authorized in accordance with the following provisions:

(a) For purposes of ~~this article~~ the Uniform Controlled Substances Act only, controlled premises shall mean: (i) Places where persons registered or exempted from registration requirements under the act provisions of this article are required to keep records; and (ii) places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under the act provisions of this article are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance;

(b) When so authorized by an administrative inspection ~~or~~ an officer of the Division of Drug Control or an authorized agent of the Bureau of Examining Boards department, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, shall have the right to enter controlled premises for the purpose of conducting an administrative inspection;

(c) When so authorized by an administrative inspection warrant, an officer of the Division of Drug Control or an authorized agent of the Bureau of Examining Boards department shall have the right: (i) To inspect and copy records required by the act this article to be kept; (ii) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling found therein, and, except as otherwise provided in subdivision (1)(e)(ii) of this section, all other things therein, including records, files, papers, processes, controls, and facilities, bearing on any violation of the provisions of this article act; and (iii) to inventory any stock of any controlled substance therein and obtain samples of any such substance;

(d) This section shall not be construed to prevent entries and administrative inspections including seizures of property without a warrant: (i) With the consent of the owner, operator, or agent in charge of the controlled premises; (ii) in situations presenting imminent danger to health or safety; (iii) in situations involving inspection of any conveyance where there is reasonable cause to believe that such conveyance contains substances possessed or carried in violation of the provisions of this article act; (iv) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and (v) in all other situations where when a warrant is not constitutionally required; and

(e) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to (i) financial data; (ii) sales data other than shipment data; or (iii) pricing data.

(2) For the purpose of the execution of administrative inspection

warrants, an authorized agent of the Bureau of Examining Boards department shall be deemed to be a peace officer.

(3) Issuance and execution of administrative inspection warrants for controlled premises shall be in accordance with the provisions of sections 29-830 to 29-835, ~~except~~ ~~7~~ ~~PROVIDED~~, that inspection warrants for the purpose of ~~this article~~ ~~the act~~ shall be issued not only upon a showing that consent to entry for inspection purposes has been refused, but also in all cases ~~where~~ ~~when~~ the judge of a court of record has been given reason to believe that consent would be refused if requested.

Sec. 10. Section 28-430, Reissue Revised Statutes of Nebraska, is amended to read:

28-430. The department shall enforce the provisions of ~~this article~~ ~~Uniform Controlled Substances Act~~ and shall cooperate with federal agencies, the Division of Drug Control, and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it is authorized to: (1) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances; (2) cooperate with the Drug Enforcement Administration and the Federal Bureau of Investigation; (3) do drug accountability audits of all registered practitioners in accordance with the provisions of ~~this article~~ ~~act~~; (4) provide laboratory analysis; ~~upon request from the Bureau of Examining Boards~~; (5) provide drug abuse education to schools, courts, and persons requesting it; and (6) rely on results, information, and evidence received from the Drug Enforcement Administration and the Federal Bureau of Investigation relating to the regulatory functions of ~~this article~~ ~~the act~~, including results of inspections conducted by that agency, which may be acted upon by the department and the Division of Drug Control in the performance of their regulatory functions under the provisions of ~~this article~~ ~~act~~.

Sec. 11. Section 28-431, Reissue Revised Statutes of Nebraska, is amended to read:

28-431. (1) The following shall be seized without warrant by an officer of the Division of Drug Control or by any peace officer and the same shall be subject to forfeiture: (a) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of ~~this article~~ ~~the Uniform Controlled Substances Act~~; (b) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, administering, delivering, importing, or exporting any controlled substance in violation of ~~this article~~ ~~the act~~; (c) all property which is used, or is intended for use, as a container for property described in subdivisions (a) and (b) of this subsection; (d) all drug paraphernalia defined in section 28-439; (e) all books, records, and research, including, but not limited to, formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of ~~this article~~ ~~the act~~; (f) all conveyances including, but not limited to, aircraft, vehicles, or vessels which are used, or intended for use, in transporting any controlled substance with intent to manufacture, distribute, deliver, dispense, export, or import such controlled substance in violation of ~~this article~~ ~~the act~~; and (g) all money used, or intended to be used, to facilitate a violation of ~~this article~~ ~~the act~~.

(2) Any property described in subdivision (1)(f) of this section which is used, or intended for use, to transport any property described in subdivision (1)(a) or (b) of this section is hereby declared to be a common nuisance, and any peace officer having probable cause to believe that such property is so used, or intended for such use, shall make a search thereof with or without a warrant.

(3) All money that a law enforcement agency proves was furnished by such agency shall be returned to the agency. All property seized without a search warrant shall not be subject to a replevin action and: (a) All property described in subdivisions (1)(a) to (1)(e) of this section shall be kept by the property division of the law enforcement agency which employs the officer who seized such property for so long as it is needed as evidence in any trial; and (b) when no longer required as evidence, all property described in subdivision (1)(e) of this section shall be disposed of on order of a court of record of this state in such manner as the court in its sound discretion shall direct, and all property described in subdivisions (1)(a), (b), (c), and (d) of this section, that has been used or is intended to be used in violation of ~~this article~~ ~~the act~~, when no longer needed as evidence shall be destroyed by the law enforcement agency holding the same or the Bureau of Examining Boards or turned over to the custody of the department for custody or destruction, except that a law enforcement agency may keep a small quantity of the property described in subdivisions (1)(a), (b), (c), and (d) of this

section for training purposes or use in investigations. Any large quantity of property described in subdivisions (1)(a), (b), (c), and (d) of this section, whether seized under a search warrant or validly seized without a warrant, may be disposed of on order of a court of record of this state in such manner as the court in its sound discretion shall direct. Such an order may be given only after a proper laboratory examination and report of such property has been completed and after a hearing has been held by the court after notice to the defendant of the proposed disposition of the property. The findings in such court order as to the nature, kind, and quantity of the property so disposed of may be accepted as evidence at subsequent court proceedings in lieu of the property ordered destroyed by the court order.

(4) When any property described in subdivision (1)(f) or (g) of this section is seized, the person seizing the same shall cause to be filed, within ten days thereafter, in the district court of the county in which seizure was made, petition for disposition of such property. The proceedings shall be brought in the name of the state by the county attorney of the county in which such property was seized. The petition shall describe the property, state the name of the owner if known, allege the essential elements of the violation which is claimed to exist, and conclude with a prayer for disposition. The county attorney shall have a copy of the petition served upon the owner of or any person having an interest in the property, if known, in person or by registered or certified mail at his or her last-known address. If the owner is unknown or there is a reasonable probability that there are unknown persons with interests in the property, the county attorney shall provide notice of the seizure and petition for disposition by publication once a week for four consecutive weeks in a newspaper of general circulation in the county of the seizure. At least five days shall elapse between each publication of notice.

At any time after seizure and prior to court disposition, the owner of record of such property may petition the district court of the county in which seizure was made to release such property, and the court shall order the release of the property upon a showing by the owner that he or she had no knowledge that such property was being used in violation of ~~this article~~ the Uniform Controlled Substances Act.

Any person having an interest in the property proceeded against or any person against whom civil or criminal liability would exist if such property is in violation of ~~this article~~ the act may, within thirty days after seizure, appear and file an answer or demurrer to the petition. The answer or demurrer shall allege the claimant's interest in or liability involving such property. At least thirty but not more than ninety days after seizure, there shall be a hearing before the court. If the claimant proves by a preponderance of the evidence that he or she (a) has not used or intended to use the property to facilitate an offense in violation of ~~this article~~ the act, (b) has an interest in such property as owner or lienor or otherwise, acquired by him or her in good faith, and (c) at no time had any knowledge that such property was being or would be used in, or to facilitate, the violation of ~~this article~~ the act, the court shall order that such property or the value of the claimant's interest in such property be returned to the claimant. If there are no claims, if all claims are denied, or if the value of the property exceeds all claims granted and it is shown beyond a reasonable doubt that such property was used in violation of ~~this article~~ the act, the court shall order disposition of such property at such time as the property is no longer required as evidence in any criminal proceeding. The court may order that property described in subdivision (1)(f) of this section be sold or put to official use by the confiscating agency for a period of not more than one year and that when such property is no longer necessary for official use or at the end of two years, whichever comes first, such property shall be sold. Proceeds from the sale of the property and any money described in subdivision (1)(g) of this section shall be distributed pursuant to section 28-1439.02. Official use shall mean use directly in connection with enforcement of the provisions of ~~this article~~ the act.

Any court costs and fees and storage and other proper expenses shall be charged against any person intervening as claimant or owner of the property unless such person shall establish his or her claim. If a sale is ordered, the officer holding the sale shall make a return to the court showing to whom the property was sold and for what price. This return together with the court order shall authorize the county clerk to issue a title to the purchaser of the property if such title is required under the laws of this state.

Sec. 12. Section 28-434, Reissue Revised Statutes of Nebraska, is amended to read:

28-434. (1) The department and the Division of Drug Control shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with such programs they may: (a)

Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations; (b) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances; (c) consult with interested groups and organizations to aid them in solving administrative and organizational problems; (d) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances; (e) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and (f) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(2) The department may encourage research on misuse and abuse of controlled substances. In connection with such research and in furtherance of the enforcement of the provisions of this ~~article~~ Uniform Controlled Substances Act, it may: (a) Establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse; (b) make studies and undertake programs of research to (i) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of the provisions of this ~~article~~ act, (ii) determine patterns of misuse and abuse of controlled substances and the social effects thereof, and (iii) improve methods for preventing, predicting, understanding, and dealing with the misuse and abuse of controlled substances; and (c) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(3) The department may enter into contracts for educational and research activities without performance bonds.

(4) The ~~Bureau of Examining Boards~~ department shall cooperate with the Division of Drug Control providing technical advice and information, including all evidence of violations of the provisions of this ~~article~~ act disclosed by drug accountability inspections. The criminalistics laboratory of the Nebraska State Patrol shall provide laboratory analysis for the Division of Drug Control and other peace officers of this state when requested for the effective administration and enforcement of the provisions of this ~~article~~ act.

(5) The department may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of persons who are subjects of such research. Persons who obtain such authorization may not be compelled in any state, civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(6) The department may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from state prosecution for possession and distribution of controlled substances to the extent authorized by the department.

Sec. 13. Section 28-713, Revised Statutes Supplement, 1996, is amended to read:

28-713. (1) Upon the receipt of a call reporting abuse and neglect as required by section 28-711, it shall be the duty of the law enforcement agency to investigate the report, to take immediate steps to protect the child, and to institute legal proceedings if appropriate. The law enforcement agency may request assistance from the Department of Health and Human Services during the investigation and shall, by the next working day, notify either the hotline or the appropriate child protective services unit of the department of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency. A copy of all reports, whether or not an investigation is being undertaken, shall be provided to the department.

(2) The department shall investigate for the purpose of assessing each report to determine the risk of harm to the child involved. The department shall also provide such social services as are necessary and appropriate under the circumstances to protect and assist the child and to preserve the family.

(3) The department may make a request for further assistance from the appropriate law enforcement agency or take such legal action as may be appropriate under the circumstances.

(4) The department shall, by the next working day after receiving a report under subsection (1) of this section, make a written report or a summary on forms provided by the department to the proper law enforcement

agency in the county and enter in the central registry all reports opened for investigation of abuse or neglect and any action taken.

(5) The department shall, upon request, make available to the appropriate investigating law enforcement agency and the county attorney a copy of all reports relative to a case of suspected abuse or neglect.

Sec. 14. Section 32-327, Revised Statutes Supplement, 1996, is amended to read:

32-327. The election commissioner or county clerk may at any time remove from the permanent registration register a voter registration of a deceased person when the election commissioner or county clerk has any supporting information of the death of such voter. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall provide, at cost, a record of the deaths of residents which occur in each county every three months to the appropriate election commissioner or county clerk.

Sec. 15. Section 42-347, Revised Statutes Supplement, 1996, is amended to read:

42-347. For purposes of sections 42-347 to 42-380, unless the context otherwise requires:

(1) Authorized attorney shall mean an attorney (a) employed by the county subject to the approval of the county board, (b) employed by the Department of Health and Human Services, Finance and Support, or (c) appointed by the court, who is authorized to investigate and prosecute child and spousal support cases. An authorized attorney shall represent the state as provided in section 43-512.03;

(2) Dissolution of marriage shall mean the termination of a marriage by decree of a court of competent jurisdiction upon a finding that the marriage is irretrievably broken. The term dissolution of marriage shall be considered synonymous with divorce, and whenever the term divorce appears in the statutes it shall mean dissolution of marriage pursuant to sections 42-347 to 42-379;

(3) Legal separation shall mean a decree of a court of competent jurisdiction providing that two persons who have been legally married shall thereafter live separate and apart and providing for any necessary adjustment of property, support, and custody rights between the parties but not dissolving the marriage; and

(4) Spousal support, when used in the context of income withholding or any provisions of law which might lead to income withholding, shall mean alimony or maintenance support for a spouse or former spouse when ordered as a part of an order, decree, or judgment which provides for child support and the child and spouse or former spouse are living in the same household.

Sec. 16. Section 42-358, Revised Statutes Supplement, 1996, is amended to read:

42-358. (1) The court may appoint an attorney to protect the interests of any minor children of the parties. Such attorney shall be empowered to make independent investigations and to cause witnesses to appear and testify on matters pertinent to the welfare of the children. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. If the court finds that the party responsible is indigent, the court may order the county to pay the costs.

(2) Following entry of any decree, the court having jurisdiction over the minor children of the parties may at any time appoint an attorney, as friend of the court, to initiate contempt proceedings for failure of any party to comply with an order of the court directing such party to pay temporary or permanent child support. The county attorney or authorized attorney may be appointed by the court for the purposes provided in this section, in which case the county attorney or authorized attorney shall represent the state.

(3) The clerk of each district court shall maintain child support orders and delinquency records by the sums due to the court-ordered payee, except as provided in section 43-512.07, in each case docketed in which child support is fixed by order of the court. For support orders in all cases issued before September 6, 1991, and for support orders issued or modified on or after September 6, 1991, in cases in which no party has applied for services under Title IV-D of the federal Social Security Act, as amended, each month the clerk shall certify all cases in which the court-ordered child support or spousal support is delinquent in an amount equal to the support due and payable for a one-month period of time to the judge presiding over domestic relations cases and to the county attorney or authorized attorney. A rebuttable presumption of contempt shall be established if a prima facie showing is made that the court-ordered child or spousal support is delinquent. In cases in which one of the parties receives services under Title IV-D of the

federal Social Security Act, as amended, the clerk shall certify all support orders issued or modified on or after September 6, 1991, to the county attorney, the authorized attorney, or until January 1, 1997, the Department of Social Services and on and after January 1, 1997, the Department of Health and Human Services.

In each case certified, income withholding shall be implemented pursuant to the Income Withholding for Child Support Act. If income withholding is not feasible and no other action is pending for the collection of support payments, the court shall appoint an attorney to commence contempt of court proceedings. If the county attorney or authorized attorney consents, he or she may be appointed for such purpose. The contempt proceeding shall be instituted within ten days following appointment, and the case shall be diligently prosecuted to completion. The court shall by order fix the fee, including disbursements, for such attorney, which amount shall be taxed as costs and paid by the parties as ordered. Any fees allowed for the services of any county attorney or authorized attorney shall be paid to the Department of Health and Human Services ~~Finance and Support~~ when there is an assignment of support to the department pursuant to section 43-512.07 or when an application for child support services is on file with a county attorney or authorized attorney. If the court finds the party responsible is indigent, the court may order the county to pay the costs.

(4) If, at the hearing, the person owing child or spousal support is called for examination as an adverse party and such person refuses to answer upon the ground that his or her testimony may be incriminating, the court may, upon the motion of the county attorney or authorized attorney, require the person to answer and produce the evidence. In such a case the evidence produced shall not be admissible in any criminal case against such person nor shall any evidence obtained because of the knowledge gained by such evidence be so admissible.

(5) The court may order access to all revenue information maintained by the Department of Revenue or other agencies concerning the income of persons liable or who pursuant to this section and sections 42-358.08 and 42-821 may be found liable to pay child or spousal support payments.

(6) Any person aggrieved by a determination of the court may appeal such decision to the Court of Appeals.

Sec. 17. Section 42-358.08, Revised Statutes Supplement, 1996, is amended to read:

42-358.08. Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, Public Law 93-579, as amended, each department and agency of state, county, and city government and each employer or other payor as defined in section 43-1709 shall, upon request, furnish to any court-appointed individuals, the county attorney, any authorized attorney, or the Department of Health and Human Services ~~Finance and Support~~ an absent parent's address, social security number, amount of income, health insurance information, and employer's name and address for the exclusive purpose of establishing and collecting child or spousal support. Information so obtained shall be used for no other purpose. An action may be filed before October 1, 1997, in the district court and on and after October 1, 1997, in the county court or district court to enforce this section.

Sec. 18. Section 42-723, Revised Statutes Supplement, 1996, is amended to read:

42-723. (a) The Department of Health and Human Services ~~Finance and Support~~ is the state information agency under the Uniform Interstate Family Support Act.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under the act and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under the act received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent

not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 19. Section 43-104.07, Revised Statutes Supplement, 1996, is amended to read:

43-104.07. The petition for adoption of a child born in a foreign country shall be accompanied by: (1) A document or documents from a court, official department, or government agency of the country of origin stating that the parent has consented to the adoption, stating that the parental rights of the parents of the child have been terminated, or stating that the child to be adopted has been abandoned or relinquished by the natural parents and that the child is to immigrate to the United States for the purpose of adoption; and (2) written consent to the adoption of the child from a child placement agency licensed by the Department of Health and Human Services ~~Regulation and Licensure~~ or the agency's duly authorized representative which placed the child with the adopting person or persons. The consent shall be signed and acknowledged before an officer authorized to acknowledge deeds in the state where the consent is signed and shall not require a witness.

Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation.

A guardian shall not be required to be appointed to give consent to the adoption of any child born in a foreign country when the consent requirements of this section have been met.

Sec. 20. Section 43-106.02, Revised Statutes Supplement, 1996, is amended to read:

43-106.02. Prior to the relinquishment of a child for adoption, a representative of the Department of Health and Human Services or of any child placement agency licensed by the ~~department~~ Department of Health and Human Services ~~Regulation and Licensure~~ or an attorney and a witness shall present a copy or copies of the nonconsent form as provided in section 43-146.06 to the relinquishing parent or parents and explain the effects of signing such form.

Sec. 21. Section 43-107, Revised Statutes Supplement, 1996, is amended to read:

43-107. (1)(a) For adoption placements occurring or in effect prior to January 1, 1994, upon the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Health and Human Services or any child placement agency licensed by the ~~department~~ Department of Health and Human Services ~~Regulation and Licensure~~ to examine into the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the Department of Health and Human Services ~~department~~ or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(b)(1) For adoption placements occurring on or after January 1, 1994, upon the filing of a petition for adoption, a preplacement adoptive home study shall be filed with the county court, which study is completed by the Department of Health and Human Services or a licensed child placement agency within one year before the date on which the adoptee is placed with the petitioner or petitioners and indicates that the placement of a child for the purpose of adoption would be appropriate.

(ii) An adoptive home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court, except that for petitions filed on or after January 1, 1994, the county judge shall order the petitioner or his or her attorney to request the Nebraska State Patrol to file a Nebraska criminal history record information check and to request the department to conduct and file a check of the central register created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court. The petitioner shall pay the cost of the Nebraska criminal history record information check and the check of the central register.

(iii) The placement of a child for foster care made by or facilitated by the department or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner

or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the county court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the county court at least one week prior to the hearing for adoption.

(v) Any adoptive home study required by this section shall be conducted by the department or a licensed child placement agency at the expense of the petitioner or petitioners unless such expenses are waived by the department or licensed child placement agency. The department or licensed agency shall determine the fee or rate for the adoptive home study.

(vi) The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. Such rules and regulations shall require an adoptive home study to include a Nebraska criminal history record information check and a check of the central register created in section 28-718 for any history of the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(2) Upon the filing of a petition for adoption, the county judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall inform the county court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the Bureau of Vital Statistics Department of Health and Human Services Finance and Support. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

Sec. 22. Section 43-119, Reissue Revised Statutes of Nebraska, is amended to read:

43-119. For purposes of sections 43-120 43-119 to 43-146.16, unless the context otherwise requires, the definitions found in sections 43-120 43-121 to 43-123.01 shall be used.

Sec. 23. Section 43-121, Reissue Revised Statutes of Nebraska, is amended to read:

43-121. Agency shall mean a child placement agency licensed by the department Department of Health and Human Services.

Sec. 24. Section 43-124, Reissue Revised Statutes of Nebraska, is amended to read:

43-124. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall provide a form which may be signed by a relative indicating the fact that such relative consents to his or her name being released to such relative's adopted person as provided by sections 43-113, 43-119 to 43-146, 71-626, 71-626.01, and 71-627.02. Such consent shall be effective as of the time of filing the form with the bureau Department of Health and Human Services Finance and Support.

Sec. 25. Section 43-125, Reissue Revised Statutes of Nebraska, is amended to read:

43-125. The form provided by section 43-124 shall contain the following information:

- (1) The name of the person completing the form and, if different, the name of such person at the time of birth of the adopted person;
- (2) The relationship of the person to the adopted person;
- (3) The date of birth of the adopted person;
- (4) The sex of the adopted person;

(5) The place of birth of the adopted person;

(6) Authorization that the name, last-known address, and last-known telephone number of the relative and the original birth certificate of the adopted person may be released to the adopted person as provided by sections 43-113, 43-119 to 43-146, 71-626, 71-626.01, and 71-627.02; and

(7) A notice in the following form:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form allows the Bureau of Vital Statistics Department of Health and Human Services Finance and Support to give your name and other information to the adopted person designated, upon his or her written request after reaching twenty-five years of age. You may file additional copies of this consent if your name or address changes. You may revoke this consent at any time by filing a revocation of consent with the Bureau of Vital Statistics Department of Health and Human Services Finance and Support.

Sec. 26. Section 43-126, Reissue Revised Statutes of Nebraska, is amended to read:

43-126. At any time after signing the consent form, a relative may revoke such consent form. A form for revocation of consent shall be provided by the bureau Department of Health and Human Services Finance and Support. The revocation shall be effective as of the time of filing the form with the bureau Department of Health and Human Services Finance and Support. The revocation form shall contain the following notice:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support will not disclose your name or address to any person without a court order. If you sign this form and later decide you do want your name and address given to a relative properly requesting the information, you may file another consent for that purpose.

Sec. 27. Section 43-127, Reissue Revised Statutes of Nebraska, is amended to read:

43-127. The forms provided by sections 43-124 and 43-126 shall be notarized and filed with the bureau Department of Health and Human Services Finance and Support which shall keep such forms with all other records of an individual adopted person.

Sec. 28. Section 43-130, Reissue Revised Statutes of Nebraska, is amended to read:

43-130. Except as otherwise provided in the Nebraska Indian Child Welfare Act, an adopted person twenty-five years of age or older born in this state who desires access to the names of relatives or access to his or her original certificate of birth shall file a written request for such information with the bureau Department of Health and Human Services Finance and Support. The bureau department shall provide a form for making such a request.

Sec. 29. Section 43-131, Reissue Revised Statutes of Nebraska, is amended to read:

43-131. (1) Upon receipt of a request for information, the bureau Department of Health and Human Services Finance and Support shall check the records of the adopted person making the request to determine whether the consent form provided by section 43-124 has been signed and filed by any relative of the adopted person and whether an unrevoked nonconsent form is on file from a biological parent or parents pursuant to section 43-132 or from an adoptive parent or parents pursuant to section 43-143.

(2) If the consent form has been signed and filed and has not been revoked and if no nonconsent form has been filed by an adoptive parent or parents pursuant to section 43-143, the bureau Department of Health and Human Services Finance and Support shall release the information on such form to the adopted person.

(3) If no consent forms have been filed, or if the consent form has been revoked, and if no nonconsent form has been filed pursuant to section 43-143, the following information shall be released to the adopted person:

(a) The name and address of the court which issued the adoption decree;

(b) The name and address of the child placement agency, if any, involved in the adoption; and

(c) The fact that an agency may assist the adopted person in searching for relatives as provided in sections 43-132 to 43-141.

(4) The provisions of this section shall not apply to persons subject to the Nebraska Indian Child Welfare Act.

Sec. 30. Section 43-132, Reissue Revised Statutes of Nebraska, is amended to read:

43-132. A biological parent or parents may at any time, if they desire, file a notice of nonconsent with the bureau Department of Health and Human Services Finance and Support stating that at no time after his or her death and prior to the death of his or her spouse, if such spouse is not a biological parent, may any information on the adopted person's original birth certificate be released to such adopted person. The provisions of this section shall not apply to persons subject to the Nebraska Indian Child Welfare Act.

Sec. 31. Section 43-133, Reissue Revised Statutes of Nebraska, is amended to read:

43-133. The nonconsent form provided for in section 43-132 shall contain the following information:

- (1) The name of the person completing the form and, if different, the name of such person at the time of birth of the adopted person;
- (2) The relationship of the person to the adopted person;
- (3) The date of birth of the adopted person;
- (4) The sex of the adopted person;
- (5) The place of birth of the adopted person;
- (6) A statement that no information concerning the information contained in the original birth certificate of the adopted person shall be released following the death of the parent or parents signing the form and such information shall not be released to the adopted person prior to the death of the spouse of such parent or parents, if such spouse is not a biological parent; and
- (7) A notice in the following form:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support will not disclose any information contained on the birth certificate of the adopted person to any person following your death and prior to the death of your spouse, if such spouse is not a biological parent, without a court order. If you later decide that you do not object to the release of such information you may file a form stating that purpose.

Sec. 32. Section 43-134, Reissue Revised Statutes of Nebraska, is amended to read:

43-134. At any time after signing the notice of nonconsent provided for in section 43-132, the parent or parents may revoke such notice. A form of revocation shall be provided by the bureau Department of Health and Human Services Finance and Support, and shall take effect at the time of filing of the form with the bureau department. The revocation form shall contain the following notice:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support may disclose any information contained on the birth certificate of the adopted person following your death. If you sign this form and later decide you do not want this information released following your death and prior to the death of your spouse, if such spouse is not a biological parent, you may file another form for that purpose.

Sec. 33. Section 43-135, Reissue Revised Statutes of Nebraska, is amended to read:

43-135. If the bureau Department of Health and Human Services Finance and Support has information indicating that both biological parents of the adopted person are deceased, or if only one biological parent is known and information indicates that such parent is deceased, and no nonconsent form, as provided in section 43-132 or 43-143, has been filed, all information on the adopted person's original birth certificate regarding such deceased parent or parents shall be released to the adopted person notwithstanding the fact that no consent form was signed and filed by such deceased parent or parents prior to death.

Sec. 34. Section 43-137, Reissue Revised Statutes of Nebraska, is amended to read:

43-137. If an adopted person twenty-five years of age or older, after following the procedures set forth in sections 43-130 and 43-131 is not able to obtain information about such person's relatives, such person may then contact the child placement agency which handled the adoption if the name of the agency has been given to the adopted person by the bureau Department of Health and Human Services Finance and Support. If it is not feasible for the

adopted person to contact the agency, such person may contact the department Department of Health and Human Services.

Sec. 35. Section 43-138, Reissue Revised Statutes of Nebraska, is amended to read:

43-138. After being contacted by an adopted person, if no valid nonconsent form, as provided in section 43-132 or 43-143, is on file, the department Department of Health and Human Services or agency as the case may be shall apply to the clerk of the county court which issued the adoption decree or the bureau Department of Health and Human Services Finance and Support for any information in the records of the court or the bureau Department of Health and Human Services Finance and Support regarding the adopted person or his or her relatives, including names, locations, and any birth, marriage, divorce, or death certificates. Any information which is available shall be given only to the department Department of Health and Human Services or agency. The department Department of Health and Human Services or agency shall keep such information confidential and shall not disclose it either directly or indirectly to the adopted person. The provisions of this section shall not apply to persons subject to the Nebraska Indian Child Welfare Act.

Sec. 36. Section 43-139, Reissue Revised Statutes of Nebraska, is amended to read:

43-139. When any information is provided to the department Department of Health and Human Services or agency pursuant to section 43-138, the person providing the information shall record in the records of the adopted person the nature of the information disclosed, to whom the information was disclosed, and the date of the disclosure.

Sec. 37. Section 43-140, Reissue Revised Statutes of Nebraska, is amended to read:

43-140. (1) Upon determining the identity and location of the relative being sought, the department Department of Health and Human Services or agency shall attempt to contact the relative to determine such relative's willingness to be contacted by the adopted person.

(2) In contacting the relative, the department Department of Health and Human Services or agency shall not discuss or reveal in any other manner to any person other than that particular relative who is being sought the nature of the contact, the name, nature, or business of the adoption agency, or any other information which might indicate or imply that such relative is the biological parent of an adopted person.

(3) In contacting the relative, the department Department of Health and Human Services or agency shall not reveal the identity or any other information about the adopted person.

(4) No reunion of a relative and an adopted person shall be arranged, nor shall any information about the relative be released to the adopted person until such relative has signed the consent form provided by section 43-124 and the form has been filed with the bureau Department of Health and Human Services Finance and Support.

Sec. 38. Section 43-141, Reissue Revised Statutes of Nebraska, is amended to read:

43-141. The department Department of Health and Human Services or agency may charge a reasonable fee in an amount established by the department or agency in rules and regulations to recover expenses in carrying out sections 43-137 to 43-140. The department or agency shall use the fees to defray costs incurred to carry out such sections. The department or agency may waive the fee if the requesting party shows that the fee would work an undue financial hardship on the party.

The department may adopt and promulgate rules and regulations to carry out such sections.

Sec. 39. Section 43-142, Reissue Revised Statutes of Nebraska, is amended to read:

43-142. The department Department of Health and Human Services or an agency which receives information as provided in section 43-138 shall file a written report with the clerk of the court within nine months of receipt of the information. The report shall indicate whether the relative has been located and whether a contact between the relative and the adopted person has been arranged or has occurred. If the relative has not been located, the report shall set forth the efforts made to identify and locate the relative.

Sec. 40. Section 43-143, Reissue Revised Statutes of Nebraska, is amended to read:

43-143. An adoptive parent or parents may at any time, if they desire, file a notice of nonconsent with the bureau Department of Health and Human Services Finance and Support stating that at no time prior to his or her death or the death of both parents if each signed the form may any information

on the adopted person's original birth certificate be released to such adopted person. The provisions of this section shall not apply to persons subject to the Nebraska Indian Child Welfare Act.

Sec. 41. Section 43-144, Reissue Revised Statutes of Nebraska, is amended to read:

43-144. The nonconsent form provided for in section 43-143 shall contain the following information:

- (1) The name of the person completing the form and, if different, the name of such person at the time of birth of the adopted person;
- (2) The relationship of the person to the adopted person;
- (3) The date of birth of the adopted person;
- (4) The sex of the adopted person;
- (5) The place of birth of the adopted person;
- (6) A statement that no information concerning the information contained in the original birth certificate of the adopted person shall be released prior to the death of the adoptive parent or parents signing the form; and
- (7) A notice in the following form:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support will not disclose any information contained on the birth certificate of the adopted person to any person prior to your death and the death of your spouse, if he or she signed the form, without a court order. If you later decide that you do not object to the release of such information you may file a form stating that purpose.

Sec. 42. Section 43-145, Reissue Revised Statutes of Nebraska, is amended to read:

43-145. At any time after signing the notice of nonconsent provided for in section 43-143, the adoptive parent or parents may revoke such notice. A form of revocation shall be provided by the bureau Department of Health and Human Services Finance and Support, and shall take effect at the time of filing of the form with the bureau Department of Health and Human Services Finance and Support. The revocation form shall contain the following notice:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support may disclose any information contained on the birth certificate of the adopted person pursuant to sections 43-113, 43-119 to 43-146, 71-626, 71-626.01, and 71-627.02. If you sign this form and later decide you do not want this information released prior to your death you may file another form for that purpose.

Sec. 43. Section 43-146, Reissue Revised Statutes of Nebraska, is amended to read:

43-146. The forms provided by sections 43-132, 43-134, 43-143, and 43-145 shall be notarized and filed with the bureau Department of Health and Human Services Finance and Support which shall keep such forms with all other records of an individual adopted person.

Sec. 44. Section 43-146.02, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.02. A child placement agency, the department Department of Health and Human Services, or a private agency handling the adoption, as the case may be, shall maintain and shall provide to the adopting parents upon placement of the person with such parents and to the adopted person, upon his or her request, the available medical history of the person placed for adoption and of the biological parents. The medical history shall not include the names of the biological parents of the adopted person or any other identifying information.

Sec. 45. Section 43-146.04, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.04. An adopted person twenty-one years of age or older born in this state who desires access to the names of relatives or access to his or her original certificate of birth shall file a written request for such information with the bureau Department of Health and Human Services Finance and Support. The bureau department shall provide a form for making such request.

Sec. 46. Section 43-146.05, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.05. (1) Upon receipt of a request for information made under section 43-146.04, the bureau Department of Health and Human Services Finance

and Support shall check the records of the adopted person to determine whether an unrevoked nonconsent form is on file from a biological parent pursuant to section 43-146.06.

(2) If no nonconsent form has been filed pursuant to section 43-146.06, the following information shall be released to the adopted person:

(a) The name and address of the court which issued the adoption decree;

(b) The name and address of the child placement agency, if any, involved in the adoption;

(c) The fact that an agency or the department Department of Health and Human Services may assist the adopted person in searching for relatives as provided in sections 43-146.10 to 43-146.14;

(d) A copy of the person's original birth certificate; and

(e) A copy of the person's medical history and any medical records on file.

(3) If an unrevoked nonconsent form has been filed pursuant to section 43-146.06, no information may be released to the adopted person except a copy of the person's medical history as provided in section 43-107 if requested. The medical history shall not include the names of the biological parents or relatives of the adopted person or any other identifying information.

Sec. 47. Section 43-146.06, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.06. A biological parent may at any time file a notice of nonconsent with the bureau Department of Health and Human Services Finance and Support stating that at no time prior to his or her death may any information on the adopted person's original birth certificate or any other identifying information, except medical histories as provided in section 43-107, be released to such adopted person. Failure by a biological parent to sign the notice of nonconsent shall be deemed a notice of consent by such parent to release the adopted person's original birth certificate to such adopted person.

Sec. 48. Section 43-146.07, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.07. The nonconsent form provided for in section 43-146.06 shall be designed by the bureau Department of Health and Human Services Finance and Support and shall contain the following information:

(1) The name of the person completing the form and, if different, the name of such person at the time of birth of the adopted person;

(2) The relationship of the person to the adopted person;

(3) The date of birth of the adopted person;

(4) The sex of the adopted person;

(5) The place of birth of the adopted person;

(6) A statement that no information contained in the original birth certificate or any other identifying information, except medical histories as provided in section 43-107, shall be released prior to the death of the parent signing the form;

(7) A statement that the person signing understands the effect and consequences of filing or not filing a nonconsent form; and

(8) A notice in the following form:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support will not disclose any information contained in the original birth certificate of the adopted person or any other identifying information to any person prior to your death without a court order. If you later decide that you do not object to the release of such information, you may file a form stating that purpose.

Sec. 49. Section 43-146.08, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.08. At any time after signing the notice of nonconsent provided for in section 43-146.06, the biological parent may revoke such notice. A form of revocation shall be provided by the bureau Department of Health and Human Services Finance and Support and shall take effect at the time of filing of the form with the bureau department. The revocation form shall contain the following notice:

IMPORTANT NOTICE

You do not have to sign this form. If you do sign it, you are entitled to a copy of it. Your signature on this form means that the Bureau of Vital Statistics Department of Health and Human Services Finance and Support may at any time disclose to the adopted person any information

contained on the original birth certificate of the adopted person.

Sec. 50. Section 43-146.09, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.09. If the bureau Department of Health and Human Services Finance and Support has verified information indicating that both biological parents of the adopted person are deceased or if only one biological parent is known and verified information indicates that such parent is deceased, all information on the adopted person's original birth certificate regarding such deceased parent or parents shall be released to the adopted person upon request. The bureau department shall establish a policy for verifying information about the death of the biological parent or parents.

Sec. 51. Section 43-146.10, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.10. If an adopted person twenty-one years of age or older, after following the procedures set forth in sections 43-146.04 and 43-146.05, is unable to obtain information about the adopted person's relatives and there is no unrevoked nonconsent form as provided in section 43-146.06 on file with the bureau Department of Health and Human Services Finance and Support, such person may then contact the child placement agency which handled the adoption or the department Department of Health and Human Services.

Sec. 52. Section 43-146.11, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.11. After being contacted by an adopted person as provided in section 43-146.10, the department Department of Health and Human Services or agency, as the case may be, shall verify with the bureau Department of Health and Human Services Finance and Support that no unrevoked nonconsent form is on file. If an unrevoked nonconsent form is not on file, the department Department of Health and Human Services or agency, as the case may be, shall apply to the clerk of the county court which issued the adoption decree or the bureau Department of Health and Human Services Finance and Support for any information in the court or bureau Department of Health and Human Services Finance and Support records regarding the adopted person or his or her relatives, including names, locations, and any birth, marriage, divorce, or death certificates. Any information which is available shall be given by the court or bureau Department of Health and Human Services Finance and Support only to the department Department of Health and Human Services or agency. The department Department of Health and Human Services or agency shall keep such information confidential.

Sec. 53. Section 43-146.12, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.12. When any information is provided to the department Department of Health and Human Services or agency pursuant to section 43-146.11, the person providing the information shall record in the records of the adopted person the nature of the information disclosed, to whom the information was disclosed, and the date of the disclosure.

Sec. 54. Section 43-146.13, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.13. (1) Upon determining the identity and location of the relative being sought, the department Department of Health and Human Services or agency shall attempt to contact the relative to determine such relative's willingness to be contacted by the adopted person.

(2) Information about the relative shall not be released to the adopted person by the department or agency unless such relative agrees to be contacted by the adopted person.

Sec. 55. Section 46-146.14, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.14. The department Department of Health and Human Services or agency may charge a reasonable fee in an amount established by the department or agency in rules and regulations to recover expenses in carrying out sections 43-146.10 to 43-146.13. The department or agency shall use the fees to defray costs incurred to carry out such sections. The department or agency may waive the fee if the requesting party shows that the fee would work an undue financial hardship on the party.

The department may adopt and promulgate rules and regulations to carry out sections 43-123.01 and 43-146.01 to 43-146.16.

Sec. 56. Section 43-146.15, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.15. The department Department of Health and Human Services or an agency which receives information as provided in section 43-146.11 shall file a written report with the clerk of the court or bureau Department of Health and Human Services Finance and Support within nine months of receipt of the information. The report shall indicate whether the relative has been

located and whether a contact between the relative and the adopted person has been arranged or has occurred. If the relative has not been located, the report shall set forth the efforts made to identify and locate the relative.

Sec. 57. Section 43-146.16, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.16. The forms provided by sections 43-146.06 and 43-146.08 shall be notarized and filed with the bureau Department of Health and Human Services Finance and Support which shall keep such forms with all other records of the adopted person.

Sec. 58. Section 43-247, Revised Statutes Supplement, 1996, is amended to read:

43-247. The juvenile court shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5), (6), and (8) of this section. As used in this section, all references to the juvenile's age shall be the age at the time the act which occasioned the juvenile court action occurred. The juvenile court shall have concurrent original jurisdiction with the district court as to any juvenile defined in subdivision (2) of this section. The juvenile court shall have concurrent original jurisdiction with the district court and county court as to any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen and any juvenile defined in subdivision (4) of this section. Notwithstanding any disposition entered by the juvenile court under the Nebraska Juvenile Code, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.

The juvenile court in each county as herein provided shall have jurisdiction of:

(1) Any juvenile who has committed an act other than a traffic offense which would constitute a misdemeanor or an infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who has committed an act which would constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile or (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who departs himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian who has custody of any juvenile described in this section;

(6) The proceedings for termination of parental rights as provided in the Nebraska Juvenile Code;

(7) The proceedings for termination of parental rights as provided in section 42-364; and

(8) Any juvenile who has been voluntarily relinquished, pursuant to section 43-106.01, to the Department of Health and Human Services or any child placement agency licensed by the Department of Health and Human Services. Regulation and Licensure-

Notwithstanding the provisions of the Nebraska Juvenile Code, the determination of jurisdiction over any Indian child as defined in section 43-1503 shall be subject to the Nebraska Indian Child Welfare Act.

Sec. 59. Section 43-512.02, Revised Statutes Supplement, 1996, is amended to read:

43-512.02. (1) Any child or any relative, lawful custodian, guardian, or next friend of a child may file with the county attorney, authorized attorney, or other office designated by the Department of Health and Human Services Finance and Support an application for the same child, spousal, and medical support collection or paternity determination services as

are provided to dependent children and their relatives under sections 43-512 to 43-512.10 by the department, the county attorney, the authorized attorney, and the clerk of the district court.

(2) If an office other than the office of the county attorney or authorized attorney is authorized by the department to accept such applications and if the application discloses that such child has a parent or stepparent who is able to contribute to the support of such child and has failed to do so, a copy of the application shall immediately be filed with the county attorney or authorized attorney.

(3)(a) The department shall determine an application fee to be charged to each individual who applies for services available in this section which shall not exceed the fee amount allowed by Title IV-D of the federal Social Security Act, as amended. The fee shall be collected from the individual or paid by the department on the individual's behalf. The county attorney or authorized attorney may recover the fee from the parent or stepparent who owes child, spousal, or medical support and reimburse the applicant. The governmental entity which is actually collecting the delinquent support payments shall collect the fee and send it to the department.

(b) The department may establish a schedule of amounts to be charged to recover any costs incurred in excess of any fees collected to cover administrative costs of providing the full scope of services required by state law. The department shall by regulation establish a schedule of amounts to be paid for such services based upon the actual costs incurred in providing such services. The schedule shall be made available to all applicants for such services. Any amount charged to recover costs may be collected from the parent or stepparent who owes child, spousal, or medical support or from the individual who has applied for enforcement services, either directly from such individual or from the child or spousal support collected, but only if the individual has been notified that the county attorney or authorized attorney will recover costs from an individual who receives enforcement services. The department shall not impose an application fee for services in any case in which the department is authorized to continue to collect and distribute support payments after a family ceases to receive aid to dependent children payments.

Sec. 60. Section 43-512.03, Revised Statutes Supplement, 1996, is amended to read:

43-512.03. (1) The county attorney or authorized attorney shall:

(a) On request by the Department of Health and Human Services **Finance and Support** as described in subsection (2) of this section or when the investigation or application filed under section 43-512 or 43-512.02 justifies, file a petition against a nonsupporting parent or stepparent in the district, county, or separate juvenile court praying for an order for child or medical support in cases when there is no existing child or medical support order. After notice and hearing, the court shall adjudicate child and medical support liability of the nonsupporting parent or stepparent and enter an order accordingly;

(b) Enforce child, spousal, and medical support orders by an action for income withholding pursuant to the Income Withholding for Child Support Act;

(c) If income withholding is not feasible, enforce child, spousal, and medical support orders by other civil actions, citing the defendant for contempt, or filing a criminal complaint;

(d) Establish paternity and collect child and medical support on behalf of children born out of wedlock; and

(e) Carry out sections 43-512.12 to 43-512.18.

(2) The department may periodically review cases of individuals receiving enforcement services and make referrals to the county attorney or authorized attorney.

(3) In any action brought by or intervened in by a county attorney or authorized attorney under the Income Withholding for Child Support Act, the Uniform Interstate Family Support Act, or sections 42-347 to 42-379, 43-290, 43-512 to 43-512.10, 43-512.12 to 43-512.18, and 43-1401 to 43-1418, such attorneys shall represent the State of Nebraska.

(4) The State of Nebraska shall be a real party in interest in any action brought by or intervened in by a county attorney or authorized attorney for the purpose of establishing paternity or securing, modifying, suspending, or terminating child or medical support or in any action brought by or intervened in by a county attorney or authorized attorney to enforce an order for child, spousal, or medical support.

(5) Nothing in this section shall be construed to interpret representation by a county attorney or an authorized attorney as creating an

attorney-client relationship between the county attorney or authorized attorney and any party or witness to the action, other than the State of Nebraska, regardless of the name in which the action is brought.

Sec. 61. Section 43-512.05, Revised Statutes Supplement, 1996, is amended to read:

43-512.05. (1) It shall be the duty of the clerks of the district courts to furnish the Department of Health and Human Services ~~Finance and Support~~ monthly statistical information and any other information required by the department to properly account for child, spousal, and medical support payments. The clerk of each district court shall negotiate and enter into a written agreement with the department in order to receive reimbursement for the costs incurred in carrying out sections 43-512 to 43-512.10 and 43-512.12 to 43-512.18.

(2) The department and the governing board of the county, county attorney, or authorized attorney may enter into a written agreement regarding the determination of paternity and child, spousal, and medical support enforcement for the purpose of implementing such sections. Paternity shall be established when it can be determined that the collection of child support is feasible.

(3) The department shall adopt and promulgate rules and regulations regarding the rate and manner of reimbursement for costs incurred in carrying out such sections, taking into account relevant federal law, available federal funds, and any appropriations made by the Legislature. Any reimbursement funds shall be added to the budgets of those county officials who have performed the services as called for in the cooperative agreements and carried over from year to year as required by law.

Sec. 62. Section 43-512.06, Revised Statutes Supplement, 1996, is amended to read:

43-512.06. (1) Notwithstanding any other provisions of law regarding confidentiality of records, every department and agency of state, county, and city government and every employer or other payor as defined in section 43-1709 shall assist and cooperate with the Department of Health and Human Services ~~Finance and Support~~ in locating absent parents, determining an absent parent's income and health insurance information, and identifying an absent parent's employer only for the purposes of establishing and collecting child, spousal, and medical support and of conducting reviews under sections 43-512.12 to 43-512.18. Such information shall be used for no other purpose. An action may be filed in district court to enforce this subsection.

(2) Notwithstanding any other provision of law regarding confidentiality of records, every public, private, or municipal utility shall, upon request, furnish to any county attorney, authorized attorney, or the Department of Health and Human Services ~~Finance and Support~~ a subscriber's name, social security number, and mailing and residence addresses only for the purposes of establishing and collecting child, spousal, and medical support and of conducting reviews under sections 43-512.12 to 43-512.18. Such information shall be used for no other purpose. An action may be filed in district court to enforce this subsection. For purposes of this subsection, utility shall mean any entity providing electrical, gas, water, telephone, garbage disposal, or waste disposal service, including, but not limited to, any district or corporation organized under Chapter 70.

Sec. 63. Section 43-512.07, Revised Statutes Supplement, 1996, is amended to read:

43-512.07. (1) Any action, payment, aid, or assistance listed in subdivisions (a) through (c) of this subsection shall constitute an assignment by operation of law to the Department of Health and Human Services ~~Finance and Support~~ of any right to spousal or medical support when ordered by the court and to child support whether or not ordered by the court which a recipient may have in his or her own behalf or on behalf of any other person for whom an applicant receives such payments, aid, or assistance, including any accrued arrearages as of the time of the assignment:

(a) Application for and acceptance of one or more aid to dependent children payments by a parent, another relative, or a custodian;

(b) Receipt of aid by or on behalf of any dependent child as defined in section 43-504; or

(c) Receipt of aid from child welfare funds.

The department shall be entitled to retain such child, spousal, or other support up to the amount of payments, aid, or assistance provided to a recipient. For purposes of this section, the right to receive current and past-due child support shall belong to the child and the assignment shall be effective as to any such support even if the recipient of the payments, aid, or assistance is not the same as the payee of court-ordered support.

(2) After notification of the clerk of the district court receiving

the child, spousal, or other support payments made pursuant to a court order that the person for whom such support is ordered is a recipient of payments, aid, or assistance listed in subsection (1) of this section, the department shall also give notice to the payee named in the court order at his or her last-known address.

(3) Upon written or other notification from the department or from another state of such assignment of child, spousal, or other support payments, the clerk of the district court shall transmit the support payments received to the department or the other state without the requirement of a subsequent order by the court. The clerk of the district court shall continue to transmit the support payments for as long as the payments, aid, or assistance listed in subsection (1) of this section continues.

(4) Any court-ordered child, spousal, or other support remaining unpaid during the period of the assignment shall constitute a debt and a continuing assignment at the termination of payments, aid, or assistance listed in subsection (1) of this section, collectible by the department or other state as reimbursement for such payments, aid, or assistance. However, any assignment pursuant to subdivisions (1)(b) and (1)(c) of this section shall be limited to the amount of child support due for any months during which such payments, aid, or assistance was made. The continuing assignment shall only apply to support payments made during a calendar period which exceed the specific amount of support ordered for that period. When payments, aid, or assistance listed in subsection (1) of this section have ceased and upon notice by the department or the other state, the clerk of the district court shall continue to transmit to the department or the other state any support payments received on arrearages in excess of the amount of support ordered for that specific calendar period until notified by the department or the other state that the debt has been paid in full, except that any amount of support arrearages that has accrued or accrues after termination of payments, aid, or assistance listed in subsection (1) of this section shall be paid first by the clerk to the person to whom support is due before any reimbursement is made to the department or the other state.

Sec. 64. Section 43-512.12, Revised Statutes Supplement, 1996, is amended to read:

43-512.12. Child support orders in cases in which a party has applied for services under Title IV-D of the federal Social Security Act, as amended, shall be reviewed by the Department of Health and Human Services Finance and Support to determine whether to refer such orders to the county attorney or authorized attorney for filing of an application for modification. An order shall be reviewed by the department upon its own initiative or at the request of either parent when such review is required by Title IV-D of the federal Social Security Act, as amended. After review the department shall refer an order to a county attorney or authorized attorney when the verifiable financial information available to the department indicates:

(1) The present child support obligation varies from the Supreme Court child support guidelines pursuant to section 42-364.16 by more than the percentage, amount, or other criteria established by Supreme Court rule, and the variation is due to financial circumstances which have lasted at least three months and can reasonably be expected to last for an additional six months; or

(2) Health insurance is available to the obligor as provided in subsection (2) of section 42-369 and the children are not covered by health insurance other than the medical assistance program under sections 68-1018 to 68-1025.

An order shall not be reviewed by the department if it has not been three years since the present child support obligation was ordered. An order shall not be reviewed by the department more than once every three years, except that an order may be reviewed after one year if the department's determination after the previous review was not to refer to the county attorney or authorized attorney for filing of an application for modification because financial circumstances had not lasted or were not expected to last for the time periods established by subdivision (1) of this section.

Sec. 65. Section 43-512.13, Revised Statutes Supplement, 1996, is amended to read:

43-512.13. (1) When review of a child support order pursuant to section 43-512.12 has been requested by one of the parents or initiated by the Department of Health and Human Services, Finance and Support, the department shall send notice of the pending review to each parent affected by the order at the parent's last-known mailing address thirty days before the review is conducted. Such review shall require the parties to submit financial information as provided in sections 43-512.14 and 43-512.17.

(2) After the department completes the review of the child support

order in accordance with section 43-512.12, it shall send notice to each parent of the determination to refer or not refer the order to the county attorney or authorized attorney for filing of an application for modification of the order in the district court. Each parent shall be allowed thirty days to submit to the department a written request for a review of such determination. The parent requesting review shall submit the request in writing to the department, stating the reasons for the request and providing written evidence to support the request. The department shall review the available verifiable financial information and make a final determination whether or not to refer the order to the county attorney or authorized attorney for filing of an application for modification of the child support order. Written notice of such final determination shall be sent to each parent affected by the order at the parent's last-known mailing address. A final determination under this subsection shall not be considered a contested case for purposes of the Administrative Procedure Act.

Sec. 66. Section 43-512.14, Revised Statutes Supplement, 1996, is amended to read:

43-512.14. Each parent requesting review shall provide the financial information as provided in section 43-512.17 to the Department of Health and Human Services ~~Finance and Support~~ upon request of the department. The parent requesting review shall also provide an affidavit regarding the financial circumstances of the nonrequesting parent upon the request of the department. Failure by a nonrequesting parent to provide adequate financial information shall create a rebuttable presumption that such parent's income has changed for purposes of section 43-512.12.

Referral of an order to a county attorney or authorized attorney under this section shall create a rebuttable presumption that there has been a material change in financial circumstances of one of the parents such that the child support obligation shall be increased at least ten percent if there is inadequate financial information regarding the noncustodial parent or that the child support obligation shall be decreased at least ten percent if there is inadequate financial information regarding the custodial parent. Such referral shall also be sufficient to rebut the presumption specified in section 42-364.16, and the court, after notice and an opportunity to be heard, may order a decrease or an increase of at least ten percent in the child support obligation as provided in this section.

Sec. 67. Section 43-512.15, Revised Statutes Supplement, 1996, is amended to read:

43-512.15. (1) The county attorney or authorized attorney, upon referral from the Department of Health and Human Services, ~~Finance and Support~~, shall file an application for modification of a child support order unless the attorney determines in the exercise of independent professional judgment that:

(a) The variation from the Supreme Court child support guidelines pursuant to section 42-364.16 is based on material misrepresentation of fact concerning any financial information submitted to the attorney;

(b) The variation from the guidelines is due to a voluntary reduction in net monthly income; or

(c) When the amount of the order is considered with all the other undisputed facts in the case, no variation from the criteria set forth in subdivisions (1) and (2) of section 43-512.12 exists.

(2) The application for modification of a child support order shall proceed in the original action establishing the support order, and the county attorney or authorized attorney shall represent the state in the proceedings.

(3) After an application for modification of a child support order is filed, any party may choose to be represented personally by private counsel. Any party who retains private counsel shall so notify the county attorney or authorized attorney in writing.

Sec. 68. Section 43-512.17, Revised Statutes Supplement, 1996, is amended to read:

43-512.17. Any financial information provided to the Department of Health and Human Services, ~~Finance and Support~~, the county attorney, or the authorized attorney by either parent for the purpose of facilitating a modification proceeding under sections 43-512.12 to 43-512.18 may be disclosed to the other parties to the case or to the court. Financial information shall include the following:

(1) An affidavit of financial status provided by the party requesting review;

(2) An affidavit of financial status of the nonrequesting party provided by the nonrequesting party or by the requesting party at the request of the county attorney or authorized attorney;

(3) Supporting documentation such as state and federal income tax

returns, paycheck stubs, W-2 forms, 1099 forms, bank statements, and other written evidence of financial status; and

(4) Information relating to health insurance as provided in subsection (2) of section 42-369.

Sec. 69. Section 43-536, Revised Statutes Supplement, 1996, is amended to read:

43-536. In determining the rate of reimbursement for child care, the Department of Health and Human Services Finance and Support shall conduct a market rate survey of the child care providers in the state. The ~~Department of Health and Human Services~~ shall adjust the reimbursement rate for child care every second year beginning July 1, 1997, at a rate not less than the sixtieth percentile and not to exceed the seventy-fifth percentile of the current market rate survey.

Sec. 70. Section 43-701, Revised Statutes Supplement, 1996, is amended to read:

43-701. Except as otherwise provided in the Nebraska Indian Child Welfare Act, no person, other than a parent, shall (1) place, (2) assist in placing, (3) advertise a child for placement, or (4) give the care and custody of any child to any person or association for adoption or otherwise, except for temporary or casual care, unless such person shall be duly licensed by the Department of Health and Human Services ~~Regulation and Licensure~~ under such rules and regulations as the department shall prescribe. The department may grant or revoke such a license and make all needful rules regarding the issuance or revocation thereof.

Sec. 71. Section 43-702, Revised Statutes Supplement, 1996, is amended to read:

43-702. Persons or courts charged with the care of dependent and delinquent children who place out or give the care and custody of any child to any person or association shall keep and preserve such records as may be prescribed by the Department of Health and Human Services. ~~Regulation and Licensure~~. The records shall be reported to the department on the first day of each month and shall include the (1) full name and actual or apparent age of such child, (2) names and residence of the child's parents, so far as known, and (3) name and residence of the person or association with whom such child is placed. If such person or court subsequently removes the child from the custody of the person or association with whom the child was placed, the fact of the removal and disposition of the child shall be entered upon such record.

Sec. 72. Section 43-705, Revised Statutes Supplement, 1996, is amended to read:

43-705. The Department of Health and Human Services, ~~or the Department of Health and Human Services Regulation and Licensure~~, or such person authorized by the departments ~~as it may authorize~~, may visit any child so placed, who has not been legally adopted, with a view of ascertaining whether such child is being properly cared for and living under moral surroundings.

Sec. 73. Section 43-707, Revised Statutes Supplement, 1996, is amended to read:

43-707. ~~(1) The Department of Health and Human Services and the Department of Health and Human Services Regulation and Licensure shall have the power and it shall be its duty:~~

~~(a) (1) To promote the enforcement of laws for the protection and welfare of children born out of wedlock, mentally and physically handicapped children, and dependent, neglected, and delinquent children, except laws the administration of which is expressly vested in some other state department or division, and to take the initiative in all matters involving such children when adequate provision therefor has not already been made;~~

~~(b) (2) To visit and inspect public and private institutions, agencies, societies, or persons caring for, receiving, placing out, or handling children; and~~

~~(c) (3) To prescribe the form of reports required by law to be made to the departments department by public officers, agencies, and institutions;~~

~~(2) The Department of Health and Human Services shall have the power and duty:~~

~~(a) (4) To exercise general supervision over the administration and enforcement of all laws governing the placing out and adoption of children; and~~

~~(b) (5) To advise with judges and probation officers of courts of domestic relations and juvenile courts of the several counties, with a view to encouraging, standardizing, and coordinating the work of such courts and officers throughout the state; and~~

(6) ~~(3)~~ The Department of Health and Human Services Regulation and Licensure shall have the power and duty to issue To regulate the issuance of certificates or licenses as provided by law to such institutions, agencies, societies, or persons and to revoke such licenses or certificates for good cause shown. If a license is refused or revoked, the refusal or revocation may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 74. Section 43-708, Revised Statutes Supplement, 1996, is amended to read:

43-708. No official, agent, or representative of either the Department of Health and Human Services or the Department of Health and Human Services Regulation and Licensure shall, by virtue of sections 43-701 to 43-709, have any right to enter any home over the objection of the occupants thereof or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having the custody of such child. Nothing in sections 43-701 to 43-709 shall be construed as limiting the power of a parent or guardian to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purposes.

Sec. 75. Section 43-1301, Revised Statutes Supplement, 1996, is amended to read:

43-1301. For purposes of the Foster Care Review Act, unless the context otherwise requires:

(1) Local board shall mean a local foster care review board created pursuant to section 43-1304;

(2) State board shall mean the State Foster Care Review Board created pursuant to section 43-1302;

(3) Foster care facility shall mean any foster home, group home, child care facility, public agency, private agency, or any other person or entity receiving and caring for foster children;

(4) Foster care placements shall mean all placements of juveniles as described in subdivision (3)(b) of section 43-247, placements of neglected, dependent, or delinquent children, including those made directly by parents or by third parties, and placements of children who have been voluntarily relinquished pursuant to section 43-106.01 to the Department of Health and Human Services or any child placement agency licensed by the Department of Health and Human Services; Regulation and Licensure;

(5) Person or court in charge of the child shall mean (a) the Department of Health and Human Services, an association, or an individual who has been made the guardian of a neglected, dependent, or delinquent child by the court and has the responsibility of the care of the child and has the authority by and with the assent of the court to place such a child in a suitable family home or institution or has been entrusted with the care of the child by a voluntary placement made by a parent or legal guardian, (b) the court which has jurisdiction over the child, or (c) the entity having jurisdiction over the child pursuant to the Nebraska Indian Child Welfare Act;

(6) Voluntary placement shall mean the placement by a parent or legal guardian who relinquishes the possession and care of a child to a third party, individual, or agency;

(7) Family unit shall mean the social unit consisting of the foster child and the parent or parents or any person in the relationship of a parent, including a grandparent, and any siblings with whom the foster child legally resided prior to placement in foster care;

(8) Child-caring agency shall have the definition found in section 71-1902; and

(9) Child-placing agency shall have the definition found in section 71-1902.

Sec. 76. Section 43-1314.01, Revised Statutes Supplement, 1996, is amended to read:

43-1314.01. (1) The State Foster Care Review Board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirements for review outlined in the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. It is the intent of the Legislature that beginning October 1, 1996, the state board shall be the only state agency with the responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) It is the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be

identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(3) The state board may assist the Department of Social Services Health and Human Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(4) Between January 1, 1998, and August 1, 1998, a review of the state board shall be completed by the Executive Board of the Legislative Council or its designee. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of its case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.

(5) On or before November 1, 1998, the Executive Board of the Legislative Council or its designee shall make findings and recommendations to the Legislature as to the areas noted in subsection (4) of this section.

(6) On July 1, 1996, seven full-time employees shall be added to the state board. On September 30, 1996, three full-time employees shall be added to the state board.

Sec. 77. Section 43-1408.01, Revised Statutes Supplement, 1996, is amended to read:

43-1408.01. (1) During the period immediately before or after the in-hospital birth of a child whose mother was not married at the time of either conception or birth of the child or at any time between conception and birth of the child, the person in charge of such hospital or his or her designated representative shall provide to the child's mother and alleged father, if the alleged father is readily identifiable and available, the documents and written instructions for such mother and father to complete a notarized acknowledgment of paternity. Such acknowledgment, if signed by both parties and notarized, shall be filed with the Department of Health and Human Services Finance and Support at the same time at which the certificate of live birth is filed.

Nothing in this section shall be deemed to require the person in charge of such hospital or his or her designee to seek out or otherwise locate an alleged father who is not readily identifiable or available.

(2) The acknowledgment shall be executed on a form prepared by the Department of Health and Human Services Finance and Support. Such form shall be in essentially the same form provided by the Bureau of Vital Statistics department and used for obtaining signatures required by section 71-640.02. The acknowledgment shall include, but not be limited to, (a) a statement by the mother consenting to the acknowledgment of paternity and a statement that the alleged father is the biological father of the child, (b) a statement by the alleged father that he is the biological father of the child, (c) written information regarding parental rights and responsibilities, and (d) the social security numbers of the parents. A social security number shall not be required if no social security number has been issued to the parent or if the social security number is unknown. In addition to distribution required by this section, the form shall also be made available to the Department of Health and Human Services for distribution.

(3) The form provided for in subsection (2) of this section shall also contain instructions for completion and filing with the Department of Health and Human Services Finance and Support if it is not completed and filed with a birth certificate as provided in subsection (1) of this section.

(4) The Department of Health and Human Services Finance and Support shall accept completed acknowledgment forms and make available to the Department of Health and Human Services, county attorneys, or authorized attorneys a record of acknowledgments it has received, as provided in subsection (1) of section 71-612. The Department of Health and Human Services Finance and Support may prepare photographic, electronic, or other reproductions of acknowledgments. Such reproductions, when certified and approved by the Department of Health and Human Services Finance and Support, shall be accepted as the original records, and the documents from which permanent reproductions have been made may be disposed of as provided by rules and regulations of the Department of Health and Human Services Finance and Support.

(5) The Department of Health and Human Services may by regulation establish a nominal payment and procedure for payment by the department for each acknowledgment filed with the Department of Health and Human Services Finance and Support. The amount of such payments and the entities receiving

such payments shall be within the limits allowed by Title IV-D of the federal Social Security Act, as amended.

Sec. 78. Section 43-1704, Revised Statutes Supplement, 1996, is amended to read:

43-1704. Authorized attorney shall mean an attorney (1) employed by the county subject to the approval of the county board, (2) employed by the Department of Health and Human Services, ~~Finance and Support~~, or (3) appointed by the court, who is authorized to investigate and prosecute child, spousal, and medical support cases. An authorized attorney shall represent the state as provided in section 43-512.03.

Sec. 79. Section 43-1706, Revised Statutes Supplement, 1996, is amended to read:

43-1706. Department shall mean the Department of Health and Human Services, ~~Finance and Support~~.

Sec. 80. Section 43-1718.02, Revised Statutes Supplement, 1996, is amended to read:

43-1718.02. (1) In any case in which services are not provided under Title IV-D of the federal Social Security Act, as amended, and a support order has been issued or modified on or after July 1, 1994, the obligor's income shall be subject to income withholding regardless of whether or not payments pursuant to such order are in arrears, and the court shall require such income withholding in its order unless:

(a) One of the parties demonstrates and the court finds that there is good cause not to require immediate income withholding; or

(b) A written agreement between the parties providing an alternative arrangement is incorporated into the support order.

(2) If the court pursuant to subsection (1) of this section orders income withholding regardless of whether or not payments are in arrears, the obligor shall prepare a notice to withhold income. The notice to withhold income shall be substantially similar to a prototype prepared by the Department of Health and Human Services ~~Finance and Support~~ and made available by the department to the State Court Administrator and the clerks of the district courts. The notice to withhold shall direct:

(a) That the employer or other payor shall withhold from the obligor's disposable income the amount stated in the notice to withhold for the purpose of satisfying the obligor's ongoing obligation for support payments as they become due and if there are arrearages, reducing such arrearages in child, spousal, or medical support payments arising from the obligor's failure to fully comply with a support order;

(b) That the employer or other payor shall pay to the obligor, on his or her regularly scheduled payday, such income then due which is not required to be withheld as stated on the notice or pursuant to any court order;

(c) That the employer or other payor shall not withhold more than the maximum amount permitted to be withheld under section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b)(2)(A) and (B), and the amount withheld to satisfy an arrearage of child, spousal, or medical support when added to the amount withheld to pay current support and the fee provided for in subdivision (2)(d) of this section shall not exceed such maximum amount;

(d) That the employer or other payor may assess an additional administrative fee from the obligor's disposable income not to exceed two dollars and fifty cents in any calendar month as compensation for the employer's or other payor's reasonable cost incurred in complying with the notice;

(e) That the employer or other payor shall remit, within ten days after the date the obligor is paid and in the manner specified in the notice, the income withheld, less the deduction allowed as an administrative fee by subdivision (2)(d) of this section, to the clerk of the district court designated in the notice and shall notify such clerk of the date such income was withheld;

(f) That the notice to withhold income shall terminate with respect to the employer or other payor without any court action or action by the obligor thirty days after the obligor ceases employment with or is no longer entitled to income from such employer or other payor;

(g) That the employer or other payor may combine amounts required to be withheld from the income of two or more obligors in a single payment to each clerk designated in a notice to withhold income if the portion of the single payment which is attributable to each individual obligor is separately identified;

(h) That an employer or other payor who fails to withhold and remit income of an obligor after receiving proper notice or who discriminates,

demotes, disciplines, or terminates an employee or payee after receiving a notice to withhold income shall be subject to the penalties prescribed in subsections (4) and (5) of this section; and

(1) That if the employer or other payor receives more than one notice to withhold income of a single obligor and the amount of income available to be withheld pursuant to the limits specified in subdivision (c) of this subsection is insufficient to satisfy the total support amount certified in the notices, the income available shall first be applied to current support. If the total amount of income available to be withheld is insufficient to satisfy the total amount of current support certified by the notices, the employer or other payor shall withhold for each notice the proportion that the amount of the current support certified in such notice bears to the total amount of current support certified in all notices received for the obligor. Any remaining income available to be withheld after current support is satisfied for all notices shall be applied to arrearages. If arrearages are certified in more than one notice, the employer or other payor shall withhold for each notice the proportion that the amount of the arrearage certified in such notice bears to the total amount of arrearage certified in all notices received for the obligor.

Compliance with the order by the employer or other payor shall operate as a discharge of the employer's or other payor's liability to the obligor as to the portion of the obligor's income withheld.

(3) The obligor shall deliver the notice to withhold income to his or her current employer or other payor and provide a copy of such notice to the clerk of the district court.

(4) Any employer or other payor who fails to withhold and remit any income of an obligor receiving income from the employer or other payor, after proper notice as provided in subsection (2) of this section, shall be required to pay to the clerk of the district court the amount specified in the notice.

(5) An employer or other payor shall not use an order or notice to withhold income or order or the possibility of income withholding as a basis for (a) discrimination in hiring, (b) demotion of an employee or payee, (c) disciplinary action against an employee or payee, or (d) termination of an employee or payee.

Upon application by the obligor and after a hearing on the matter, the court may impose a civil fine of up to five hundred dollars for each violation of this subsection.

An employer or other payor who violates this subsection shall be required to make full restitution to the aggrieved employee or payee, including reinstatement and backpay.

(6) When an obligor ceases employment with or is no longer entitled to income from an employer or other payor, the notice to withhold income shall not cease to operate against the obligor and income withholding shall continue to apply to any subsequent employment or income of the obligor. The notice to withhold income shall terminate with respect to the employer or other payor without any court action or action by the obligor thirty days after the obligor ceases employment with or is no longer entitled to income from such employer or other payor. A notice to withhold income shall also terminate when the child, spousal, or medical support obligation terminates and all past-due support has been paid, in which case the obligor shall notify the employer or other payor to cease withholding income.

(7) A notice to withhold income may be modified or revoked by a court of competent jurisdiction as a result of modification of the support order. A notice to withhold income may also be modified or revoked by a court of competent jurisdiction, for other good cause shown, after notice and a hearing on the issue.

(8) The obligee or obligor may file an action in district court to enforce this section.

(9) If after an order is issued in any case under this section the case becomes one in which services are provided under Title IV-D of the federal Social Security Act, as amended, the county attorney or authorized attorney or the Director of Finance and Support Health and Human Services shall implement income withholding as otherwise provided in the Income Withholding for Child Support Act.

Sec. 81. Section 43-1720, Revised Statutes Supplement, 1996, is amended to read:

43-1720. If the Director of Finance and Support Health and Human Services has previously sent a notice of assignment and opportunity for hearing on the same support order under section 48-647, the county attorney, authorized attorney, or the department shall certify the amount to be withheld from an obligor's disposable income pursuant to section 43-1722 and shall notify the obligor's employer or other payor pursuant to section 43-1723. If

the director has not previously sent such notice, and except in cases in which the court has ordered income withholding pursuant to subsection (1) of section 43-1718.01 or 43-1718.02, upon receiving certification pursuant to section 42-358 or notice of delinquent payments of medical support, the county attorney, the authorized attorney, or the department shall send a notice by certified mail to the last-known address of the obligor stating:

(1) That an assignment of his or her income by means of income withholding will go into effect within fifteen days after the date the notice is sent;

(2) That the income withholding will continue to apply to any subsequent employer or other payor of the obligor;

(3) The amount of support the obligor owes;

(4) The amount of income that will be withheld; and

(5) That within the fifteen-day period, the obligor may request a hearing in the manner specified in the notice to contest a mistake of fact. For purposes of this subdivision, mistake of fact shall mean (a) an error in the amount of current or overdue support, (b) an error in the identity of the obligor, or (c) an error in the amount to be withheld as provided in section 43-1722.

Sec. 82. Section 43-2002, Reissue Revised Statutes of Nebraska, is amended to read:

43-2002. Each year Nebraska children are reported missing. The Legislature is seeking a procedure whereby it can help locate such missing children through school records and birth certificates filed with the schools and the Bureau of Vital Statistics Department of Health and Human Services Finance and Support.

Sec. 83. Section 43-2003, Revised Statutes Supplement, 1996, is amended to read:

43-2003. As used in the Missing Children Identification Act, unless the context otherwise requires:

(1) Bureau shall mean the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support;

~~(2) County agency shall mean~~ means any agency in a county that records and maintains birth certificates;

~~(2) Department means the Department of Health and Human Services Finance and Support.~~

(3) Missing person shall mean means a person sixteen years of age or younger reported to any law enforcement agency as abducted or lost; and

(4) Patrol shall mean means the Nebraska State Patrol.

Sec. 84. Section 43-2004, Reissue Revised Statutes of Nebraska, is amended to read:

43-2004. Upon notification to a local law enforcement agency of the disappearance of a missing person, such agency shall immediately notify the patrol which shall notify the school in which such missing person is enrolled and the bureau department. The bureau department shall notify the county agency if such missing person was born in such county. Any information known to the patrol shall be supplied to the bureau department.

Sec. 85. Section 43-2005, Reissue Revised Statutes of Nebraska, is amended to read:

43-2005. If a missing person was born in Nebraska, the bureau department shall flag such person's birth certificate, and if such person was born in a county where a county agency records and maintains birth certificates, such agency shall also flag the birth certificate in its custody.

Sec. 86. Section 43-2006, Reissue Revised Statutes of Nebraska, is amended to read:

43-2006. (1) If an inquiry is made regarding the flagged birth certificate, the bureau department or county agency shall not furnish any information to such requesting person and shall request the name of the inquirer, address, and any other pertinent information. The bureau department and such county agency shall immediately notify the patrol of such inquiry.

(2) If a request is made in person from the bureau department or such county agency for a flagged birth certificate, the bureau department or such county agency shall:

(a) Immediately notify the patrol or local law enforcement agency;

(b) Have the person requesting the flagged birth certificate fill in a form requesting such person's name, address, telephone number, social security number, and relationship to the person whose birth certificate is being requested and the name, address, and birthdate of the person whose birth certificate is being requested;

(c) Try to obtain a photocopy of the driver's license of the person making the request;

(d) Inform the person making the request that the birth certificate will be mailed to him or her;

(e) Report the description of such person making the request and any other relevant information to the patrol or other law enforcement agency; and

(f) Provide the patrol with copies of such documents but retain the original in the office of the bureau department or county agency.

(3) If a request is made for such birth certificate in writing, the bureau department or county agency shall notify the patrol and provide the patrol with a copy of the request but retain the original request in the office of the bureau department or county agency.

Sec. 87. Section 43-2009, Reissue Revised Statutes of Nebraska, is amended to read:

43-2009. Upon notification of recovery of such missing person, the bureau department, the county agency, and any school pursuant to section 43-2007 shall remove the flag from such person's record.

Sec. 88. Section 43-2012, Reissue Revised Statutes of Nebraska, is amended to read:

43-2012. The bureau department and the patrol shall adopt and promulgate rules and regulations necessary to carry out their responsibilities under the Missing Children Identification Act.

Sec. 89. Section 43-2606, Revised Statutes Supplement, 1996, is amended to read:

43-2606. (1) The Department of Health and Human Services Regulation and Licensure shall adopt and promulgate rules and regulations for mandatory training requirements for providers of child care and school-age-care programs. Such requirements shall include preservice orientation and at least four hours of annual inservice training.

(2) The department shall initiate a system of documenting the training levels of staff in specific child care settings to assist parents in selecting optimal care settings.

(3) The training requirements shall be designed to meet the health, safety, and developmental needs of children and shall be tailored to the needs of licensed providers of child care programs.

(4) The department shall provide or arrange for training opportunities throughout the state and shall provide information regarding training opportunities to all providers of child care programs at the time of registration or licensure or when renewing a registration or license.

Sec. 90. Section 43-2608, Revised Statutes Supplement, 1996, is amended to read:

43-2608. The Department of Health and Human Services Regulation and Licensure shall establish a statewide toll-free hotline to provide immediate responses to the needs of providers of programs. Such hotline may be operated by the department, or the department may contract with a state agency or with any other public or private entity capable of providing such service to operate the hotline.

Sec. 91. Section 43-2609, Revised Statutes Supplement, 1996, is amended to read:

43-2609. (1) The Legislature finds that a system of voluntary registration would provide a mechanism for participation in the food programs offered by the United States Department of Agriculture, for eligibility to receive funds under the federal Child Care Subsidy program, for support and assistance to unlicensed family child care home providers, and for voluntary participation in training.

(2) The Department of Health and Human Services Regulation and Licensure shall institute a system of voluntary registration for family child care homes not required to be licensed under section 71-1911. The department shall promulgate standards for such voluntary registration. The department shall not make payments for child care, from any state or federal funds, to any family child care home provider not voluntarily registered under this section.

(3) The department shall issue a certificate of registration to any family child care home provider registered pursuant to this section.

(4) For purposes of implementing voluntary registration, the department may contract with family child care home associations or full-service community-based agencies to carry out such voluntary registration procedures for the department.

Sec. 92. Section 43-2610, Revised Statutes Supplement, 1996, is amended to read:

43-2610. (1) There is hereby established the Family Child Care Rules and Regulations Advisory Committee to advise the Department of Health and Human Services Regulation and Licensure on all aspects of the rules and regulations concerning family child care homes licensed by the department.

The advisory committee shall be comprised of at least ten members, seven of whom shall be family child care home providers and three of whom shall be parents. Two providers shall be appointed from each congressional district, and one provider shall be appointed at large. One parent shall be appointed from each congressional district. The members of the advisory committee shall be appointed by the Director of Regulation and Licensure Health and Human Services.

(2) The initial members of the advisory committee shall be appointed for staggered terms of one, two, and three years so that no more than one-third, rounded to the next higher whole number, of the members of the committee shall turn over in any given year. Following initial appointments to the advisory committee, appointments shall be for terms of three years. No member shall serve more than two terms on the committee. Members shall be reimbursed for their actual and necessary expenses, including child care, as provided in sections 81-1174 to 81-1177.

(3) The advisory committee shall meet at least twice a year but may meet more often at the request of the director or a majority of the committee members. Meetings shall be scheduled on a rotating basis so that a meeting is held in each congressional district.

Sec. 93. Section 43-2611, Revised Statutes Supplement, 1996, is amended to read:

43-2611. There is hereby established the Child Care and Early Childhood Education Coordinating Committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The coordinating committee shall be composed of at least sixteen members, at least five of whom shall be residents of the third congressional district. The members shall include:

(1) One representative each from the Nebraska Commission on the Status of Women, the Department of Economic Development, the Department of Health and Human Services, Regulation and Licensure, and the State Department of Education;

(2) At least one representative of family child care home providers and one representative of child care center providers;

(3) At least one specialist in working with young children with disabilities;

(4) At least one early childhood development expert;

(5) At least one representative of school districts involved in the provision of before-and-after-school services or preschool programs;

(6) At least one parenting education specialist;

(7) At least one representative of resource and referral programs;

(8) One pediatrician or other pediatric health care professional;

(9) At least one representative of a college, community college, or university that provides child care to its students or employees;

(10) At least one representative of a citizens group or other group concerned with child care;

(11) At least one representative of a labor organization;

(12) At least one representative of a Head Start agency;

(13) At least one employer who provides child care assistance to employees; and

(14) Parents of children receiving or in need of child care.

The commission and departments shall select their representatives to the coordinating committee. The Governor shall appoint the remaining members considering recommendations submitted by professional associations and other groups interested in child care and early childhood education services. The Governor shall appoint the chairperson of the coordinating committee. The chairperson shall not be from the Department of Health and Human Services Regulation and Licensure or from the State Department of Education.

The executive committee of the coordinating committee shall consist of the chairperson of the coordinating committee, the representatives of the Department of Health and Human Services Regulation and Licensure and the State Department of Education, and the chairpersons of any standing subcommittees established by the coordinating committee.

Sec. 94. Section 43-2612, Revised Statutes Supplement, 1996, is amended to read:

43-2612. The Department of Health and Human Services Regulation and Licensure shall provide administrative support for the Child Care and Early Childhood Education Coordinating Committee. Staff support for the coordinating committee shall be provided by the State Department of Education and the Department of Health and Human Services Regulation and Licensure on a cooperative basis. Staff from other state agencies involved in child care and early childhood education shall be utilized and provided as appropriate.

Sec. 95. Section 43-2613, Revised Statutes Supplement, 1996, is

amended to read:

43-2613. The initial members of the Child Care and Early Childhood Education Coordinating Committee shall be appointed for staggered terms of one, two, and three years so that no more than one-third, rounded to the next higher whole number, of the appointed members shall turn over in any given year. Following initial appointments to the coordinating committee, appointments shall be for terms of three years. Members shall be reimbursed by the Department of Health and Human Services ~~Regulation and Licensure~~ for their actual and necessary expenses, including child care, as provided in sections 81-1174 to 81-1177.

Sec. 96. Section 43-2615, Revised Statutes Supplement, 1996, is amended to read:

43-2615. To the extent possible, the Child Care and Early Childhood Education Coordinating Committee shall:

(1) Serve as an advisory coordinator for all state agencies responsible for child care programs and early childhood education for the purpose of improving communication and interagency coordination. The coordinating committee shall annually review state programs and make recommendations to the agencies and the Legislature which will maximize funding and promote the policies set forth in the Quality Child Care Act;

(2) Review and propose changes to the federal Child Care Subsidy program, including the adequacy of the sliding fee schedule;

(3) Review administration of any child care expansion grant program;

(4) Review and provide input toward the improvement of the quantity and quality of child care in the state, including advice to state agencies in their implementation of existing federal law and regulations as well as planning for future available federal funding;

(5) Review rules and regulations or proposed revisions to existing rules and regulations governing the registration or licensing of programs;

(6) Advise the Director of ~~Regulation and Licensure~~ Health and Human Services on the administration of the licensing responsibilities of the Department of Health and Human Services ~~Regulation and Licensure~~ related to section 71-1910;

(7) Make recommendations to the Department of Health and Human Services, ~~Regulation and Licensure~~, the State Board of Education, the State Department of Education, and all other state agencies involved in the regulation or provision of child care programs and early childhood education on the needs, priorities, programs, and policies relating to child care and early childhood education throughout the state;

(8) Study and recommend additional resources for child care programs and early childhood education;

(9) Review and provide advice concerning the availability of employment-related child care;

(10) Advise the Department of Health and Human Services ~~Regulation and Licensure~~ as to whether separate standards are needed for before-and-after-school child care programs;

(11) Report annually to the Governor and Legislature on the status of child care and early childhood education, including information about licensed programs, Head Start, programs administered by the State Department of Education, early childhood education staff training, state accreditation, program compliance with immunization reporting requirements pursuant to section 71-1913.01, and the information required pursuant to section 71-1917. The report shall contain the following data from the child care complaint tracking system: Complaints by license type; allegations and substantiations by licensing rule and by county; and negative licensing actions by the Department of Health and Human Services, ~~Regulation and Licensure~~, including suspensions, probationary licenses issued, revocations, denials, and emergency orders. The report shall include such findings and recommendations as are needed for the improvement of child care programs and early childhood education in the State of Nebraska; and

(12) Make recommendations as to the need for separate licensing requirements for programs providing child care for children who are medically fragile or technologically dependent and, if such a need is determined, make recommendations as to what the standards shall be.

Before making recommendations as outlined by this section, the coordinating committee shall hold public hearings and invite suggestions from parents of children utilizing child care, from providers of such programs, and from other interested parties. At least one public hearing shall be held in the third congressional district.

Sec. 97. Section 43-2616, Revised Statutes Supplement, 1996, is amended to read:

43-2616. Notwithstanding any other provision of law, including

section 71-1914, family child care homes licensed by the Department of Health and Human Services Regulation and Licensure pursuant to section 71-1911 or by a city, village, or county pursuant to subsection (2) of section 71-1914 may be established and operated in any residential zone within the exercised zoning jurisdiction of any city or village.

Sec. 98. Section 43-2617, Revised Statutes Supplement, 1996, is amended to read:

43-2617. A provider of a program shall notify the parents of enrolled children of the outbreak of any communicable disease in any child in the program on the same day the provider is informed of or observes the outbreak. The Department of Health and Human Services Regulation and Licensure in consultation with the Department of Health and Human Services Regulation and Licensure shall develop appropriate procedures to carry out this section.

Sec. 99. Section 43-2620, Revised Statutes Supplement, 1996, is amended to read:

43-2620. The Department of Health and Human Services Regulation and Licensure and the State Department of Education shall collaborate in their activities and may:

(1) Encourage the development of comprehensive systems of child care programs and early childhood education programs which promote the wholesome growth and educational development of children, regardless of the child's level of ability;

(2) Encourage and promote the provision of parenting education, developmentally appropriate activities, and primary prevention services by program providers;

(3) Facilitate cooperation between the private and public sectors in order to promote the expansion of child care;

(4) Promote continuing study of the need for child care and early childhood education and the most effective methods by which these needs can be served through governmental and private programs;

(5) Coordinate activities with other state agencies serving children and families;

(6) Strive to make the state a model employer by encouraging the state to offer a variety of child care benefit options to its employees;

(7) Provide training for child care providers as authorized in sections 79-1101 to 79-1103;

(8) Develop and support resource and referral services for parents and providers that will be in place statewide by January 1, 1994;

(9) Promote the involvement of businesses and communities in the development of child care throughout the state by providing technical assistance to providers and potential providers of child care;

(10) Establish a voluntary accreditation process for public and private child care and early childhood education providers, which process promotes program quality;

(11) Provide and coordinate staff assistance to the Child Care and Early Childhood Education Coordinating Committee;

(12) At least biennially, develop an inventory of programs and early childhood education programs provided to children in Nebraska and identify the number of children receiving and not receiving such services, the types of programs under which the services are received, and the reasons children not receiving the services are not being served; and

(13) Support the identification and recruitment of persons to provide child care for children with special needs.

Sec. 100. Section 43-2622, Revised Statutes Supplement, 1996, is amended to read:

43-2622. The Child Care Grant Fund is hereby established to be administered by the Department of Health and Human Services, Regulation and Licensure. The fund shall be used to make grants pursuant to section 43-2624. Any money in the 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. 101. Section 43-2624, Revised Statutes Supplement, 1996, is amended to read:

43-2624. The Department of Health and Human Services Regulation and Licensure shall award grants to persons, community-based organizations, or schools needing assistance to start or improve a child care program. No grant shall exceed ten thousand dollars. A recipient of a grant shall not be eligible for a grant more than once in a three-year period. Child care grants shall be awarded on the basis of need for the proposed services in the community. Grants shall be given only to grantees who do not discriminate against children with disabilities or children whose care is funded by any

state or federal funds. When considering grant applications of equal merit, the department shall award the grant to the applicant which has not previously received a grant from the Child Care Grant Fund.

Sec. 102. Section 43-2625, Revised Statutes Supplement, 1996, is amended to read:

43-2625. The Department of Health and Human Services ~~Regulation and Licensure~~ shall adopt and promulgate rules and regulations setting forth criteria, application procedures, and methods to assure compliance with the criteria for grants to be awarded pursuant to section 43-2624.

Sec. 103. Section 44-3,144, Revised Statutes Supplement, 1996, is amended to read:

44-3,144. For purposes of sections 44-3,144 to 44-3,150:

(1) Department shall mean the Department of Health and Human Services, ~~Finance and Support~~;

(2) Insurer shall mean an entity offering a group health plan as defined in 29 U.S.C. 1167, a health maintenance organization, an entity offering a service benefit plan, and an insurer as defined in section 44-103; and

(3) Medical assistance program shall mean the program established pursuant to sections 68-1018 to 68-1025.

Sec. 104. Section 46-656.28, Revised Statutes Supplement, 1996, is amended to read:

46-656.28. (1) If a district on its own motion or following a request by a surface water appropriator, surface water project sponsor, ground water user, the Department of Water Resources, or another state agency has reason to believe that a management area should be designated for integrated management of hydrologically connected ground water and surface water or that controls in a management area should be adopted to include such integrated management, the district may utilize the procedures established in sections 46-656.19 to 46-656.21 or may request that the affected appropriators, the affected surface water project sponsors, and the Department of Water Resources consult with the district and that studies and a hearing be held on the preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water.

(2) If, following a request from a district and as a result of information available to the Department of Water Resources and following preliminary investigation, the Director of Water Resources makes a preliminary determination that there is a reason to believe that the use of hydrologically connected ground water and surface water resources is contributing to or is in the reasonably foreseeable future likely to contribute to (a) conflicts between ground water users and surface water appropriators, (b) disputes over interstate compacts or decrees, or (c) difficulties fulfilling the provisions of other formal state contracts or agreements, the department shall, in cooperation with any appropriate state agency and district, conduct or coordinate any necessary studies to determine the cause of such conflicts, disputes, or difficulties and the extent of the area affected. Such studies shall be prioritized and completed within a reasonable time following such preliminary determination. The department shall issue a written report of such preliminary findings within ninety days after the completion of any such studies. The department shall consider all relevant portions of the ground water management plan developed by the district pursuant to sections 46-656.12 to 46-656.16 during the study required by this section.

(3) If the director determines from any studies conducted pursuant to subsection (2) of this section or from information otherwise available that the use of hydrologically connected ground water and surface water resources is contributing to or is in the reasonably foreseeable future likely to contribute to conflicts between ground water users and surface water appropriators, to disputes over interstate compacts or decrees, or to difficulties fulfilling the provisions of other formal state contracts or agreements and that conflicts between ground water users and surface water appropriators, disputes over interstate compacts or decrees, or difficulties fulfilling the provisions of other formal state contracts or agreements could be eliminated or reduced through the exercise of the authority granted by subsection (5) of this section, he or she shall, within thirty days after completion of the report required by subsection (2) of this section, consult with the affected surface water appropriators and district containing the area affected by such conflicts, disputes, or difficulties and fix a time and place for a public hearing to consider the report, hear any other relevant evidence, and secure testimony on whether a joint action plan should be prepared. The hearing shall be held within ninety days after completion of the report, shall be open to the public, and shall be located within or in reasonable proximity to the area considered in the report. Notice of the hearing shall be

published in a newspaper published or of general circulation in the area involved at least once each week for three consecutive weeks. The last publication shall be not less than seven days prior to the hearing. The notice shall provide a general description of all areas which will be considered for inclusion in the management area for which the district and director are considering in the preparation of a joint action plan.

(4) At the hearing, all interested persons shall be allowed to appear and present testimony. The Conservation and Survey Division of the University of Nebraska, the Department of Health and Human Services Regulation and Licensure, the Department of Environmental Quality, the Nebraska Natural Resources Commission, the affected surface water project sponsor or sponsors, and the appropriate surface water appropriators and district or districts may offer as evidence any information in their possession relevant to the purpose of the hearing. Within ninety days after the hearing or after any further studies or investigations conducted by or on behalf of the Director of Water Resources as he or she deems necessary, the district shall determine by order whether to proceed with developing a joint action plan for integrated management.

If the district determines that it should proceed and the district and the director determine that a joint action plan should be prepared, the district and the director shall develop a joint action plan to be utilized within the area in order to mitigate or eliminate conflicts between ground water users and surface water appropriators, disputes over interstate compacts or decrees, or difficulties fulfilling the provisions of other formal state contracts or agreements.

(5) The district's portion of the joint action plan developed under this section shall include one or more of the controls authorized by section 46-656.25 and shall be completed within one year after the date of the district's resolution to proceed. The portion of the joint action plan developed by the Department of Water Resources shall be completed within one year after the date of the district's resolution to proceed and shall include one or more of the following measures concerning the use of surface water:

(a) Increased monitoring and enforcement of surface water diversion rates and amounts diverted annually;

(b) The prohibition or limitation of additional surface water appropriations;

(c) Requirements for surface water appropriators to apply or utilize reasonable conservation measures or best management practices consistent with the good husbandry and other requirements of section 46-231; or

(d) Other reasonable restrictions on surface water use that are consistent with the intent of section 46-656.05 and the requirements of section 46-231.

If the department determines that surface water appropriators should be required to apply or utilize reasonable conservation measures or best management practices, the department's portion of the joint action plan shall allow the affected surface water appropriators and surface water project sponsors a reasonable amount of time, not to exceed one hundred eighty days unless extended by the department, to identify the conservation measures or best management practices to be applied or utilized and a schedule for such application and utilization.

(6) In developing their respective portions of the joint action plan authorized by subsection (5) of this section, the department and the district shall consider, but not be limited to considering, whether it reasonably appears that such action would mitigate or eliminate the condition which led to designation of the management area or the adoption of a joint action plan for the management area or will improve the administration of the management area.

(7) The district shall also determine that designation of a management area and adoption of a joint action plan would be in the public interest.

(8) Neither well registration dates nor appropriation dates shall be a factor in determining whether a management area shall be designated or a joint action plan prepared.

(9) In determining whether designating a management area or adopting a joint action plan would be in the public interest, the district shall consider (a) the impacts of the existing or projected diminution or degradation of water resources on (i) surface water appropriators, (ii) ground water users, (iii) public health and safety, (iv) social, economic, and environmental values in the affected area or areas, and (v) compliance with state laws, rules, or regulations, including, but not limited to, constitutional and statutory preferences in the use of water and interstate compacts or decrees, and (b) whether designation and implementation of a

management area or adoption and implementation of a joint action plan would prevent or alleviate the impact of such diminution or degradation of water resources.

(10) Following completion of the district's and the director's portions of the joint action plan, the district, in order to establish a management area, shall fix a time and place for a public hearing to consider the joint action plan information and to hear any other relevant evidence. The hearing shall be held within sixty days after completion of the joint action plan and shall be located within or in reasonable proximity to the area proposed for designation as a management area.

Notice of the hearing shall be published at the expense of the district in a newspaper published or of general circulation in the area involved at least once each week for three consecutive weeks. The last publication shall be not less than seven days prior to the hearing. The notice shall provide a general description of the contents of the joint action plan and of the area which will be considered for inclusion in the management area and shall provide the text of all controls proposed for adoption by the district and the department.

All interested persons shall be allowed to appear and present testimony. The hearing shall include testimony of a representative of the department and shall include the results of any studies or investigations conducted by the district or the director.

(11) Within ninety days after the hearing the district shall determine by order whether a management area shall be designated.

If the district determines that a management area shall be established, the district shall by order designate the area as a management area and shall adopt the joint action plan, to include one or more controls authorized by section 46-656.25 and subsection (5) of this section to be utilized within the area in order to mitigate or eliminate the conflicts, disputes, or difficulties described in subsection (9) of this section. Such an order shall include a geographic and stratigraphic definition of the area. The boundaries and controls shall take into account any considerations brought forth at the hearing and administrative factors directly affecting the ability of the district to implement and carry out local ground water management.

The controls adopted shall not include controls substantially different from those set forth in the notice of the hearing. The area designated by the order shall not include any area not included in the notice of the hearing.

(12) The district shall cause a copy of any order adopted pursuant to subsection (11) of this section to be published once each week for three consecutive weeks in a local newspaper published or of general circulation in the area involved. The last publication shall be not less than ten days prior to the effective date of the order. The order shall become effective on the date specified by the district but not later than ninety days after the date of establishment of the management area.

(13) Modification of a district's portion of a joint action plan may be accomplished utilizing the procedure established for the initial adoption of the joint action plan. Modification of the boundaries of a district-designated management area for integrated management or dissolution of such an area shall be in accordance with the procedures established in sections 46-656.19 to 46-656.21. Hearings for such modifications or for dissolution may not be initiated more often than once a year. Modification of controls also may be accomplished using the procedure in such sections.

(14) Each district in which a joint action plan for a management area has been adopted shall, in cooperation with the surface water appropriators, any surface water project sponsors, and the department, establish a program to monitor use of hydrologically connected ground water and surface water resources in the area which is contributing to or is in the reasonably foreseeable future likely to contribute to conflicts between ground water users and surface water appropriators, to disputes over interstate compacts or decrees, or to difficulties fulfilling the provisions of other formal state contracts or agreements.

(15) For the purpose of determining whether conflicts exist between ground water users and surface water appropriators, surface water appropriators under the Nebraska Ground Water Management and Protection Act does not include holders of instream flow appropriations under sections 46-2,107 to 46-2,119.

Sec. 105. Section 46-656.51, Revised Statutes Supplement, 1996, is amended to read:

46-656.51. (1) If the Director of Water Resources determines from any studies conducted pursuant to section 46-656.50, or from information otherwise available, that the use of hydrologically connected ground water and

surface water resources is contributing to or is in the reasonably foreseeable future likely to contribute to disputes over interstate compacts or decrees or to difficulties fulfilling the provisions of other formal state contracts or agreements and if a management area has been established which includes the affected area, the director shall decide whether to request the district which established the management area to adopt an action plan as provided in sections 46-656.53 to 46-656.57 in addition to the controls previously adopted by the district pursuant to section 46-656.25. The district may agree to that request and begin preparing an action plan under section 46-656.53 or may inform the director that it will not prepare an action plan unless the director requires the district to do so under subsection (2) of this section and section 46-656.52.

(2) If the director determines that the use of hydrologically connected ground water and surface water resources is contributing to or is in the reasonably foreseeable future likely to contribute to disputes or difficulties described in subsection (1) of this section and that (a) a management area has not been established or (b) he or she is considering whether to require the district to prepare an action plan for all or part of an established management area, he or she shall, within thirty days after completion of the report required by section 46-656.50, consult with the district containing the area affected by such disputes or situations and fix a time and place for a public hearing to consider the report, hear any other evidence, and secure testimony on whether a management area should be designated or whether the district should be required to prepare an action plan. The hearing shall be held within ninety days after completion of the report, shall be open to the public, and shall be located within or in reasonable proximity to the area considered in the report. Notice of the hearing shall be published in a newspaper published or of general circulation in the area involved at least once each week for three consecutive weeks. The last publication shall be not less than seven days prior to the hearing. The notice shall provide a general description of all areas which will be considered for inclusion in the management area for which the director is considering designation or requiring the preparation of an action plan.

At the hearing, all interested persons shall be allowed to appear and present testimony. The Conservation and Survey Division of the University of Nebraska, the Department of Health and Human Services Regulation and Licensure, the Department of Environmental Quality, the Nebraska Natural Resources Commission, the affected surface water project sponsor or sponsors, the appropriate surface water appropriators, and the appropriate district or districts may offer as evidence any information in their possession relevant to the purpose of the hearing. Within thirty days after the hearing or after any studies or investigations conducted by or on behalf of the Director of Water Resources as he or she deems necessary, the director shall determine by order whether a management area shall be designated or an action plan required.

Sec. 106. Section 48-647, Revised Statutes Supplement, 1996, is amended to read:

48-647. (1) Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under sections 48-623 to 48-626 shall be void except as set forth in this section. Such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt. Benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his or her spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this section shall be void. Any assignment, pledge, or encumbrance of any right or claim to contributions or to any money credited to any employer's reserve account in the Unemployment Compensation Fund shall be void, and the same shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt, and any waiver of any exemption provided for in this section shall be void.

(2)(a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not he or she owes child support obligations as defined under subdivision (h) of this subsection. If such individual discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the commissioner shall notify the Director of Finance and Support Health and Human Services that the individual has been determined to be eligible for unemployment compensation.

(b) The commissioner shall deduct and withhold from any unemployment

compensation otherwise payable to an individual disclosing child support obligations:

(i) The amount specified by the individual to the commissioner to be deducted under this subsection, if neither subdivision (ii) nor (iii) of this subsection is applicable;

(ii) The amount, if any, determined pursuant to an agreement between the director and such individual owing the child support obligations to have a specified amount withheld and such agreement being submitted to the commissioner, unless subdivision (iii) of this subsection is applicable; or

(iii) The amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as that term is defined in subdivision (2)(i) of this section, properly served upon the commissioner.

(c) Any amount deducted and withheld under subdivision (b) of this subsection shall be paid by the commissioner to the director.

(d) Any amount deducted and withheld under subdivision (b) or (g) of this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the director in satisfaction of his or her child support obligations.

(e) For purposes of subdivisions (a) through (d) and (g) of this subsection, the term unemployment compensation shall mean any compensation payable under the Employment Security Law and including amounts payable by the commissioner pursuant to an agreement by any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(f) This subsection shall apply only if appropriate arrangements have been made for reimbursement by the Department of Health and Human Services Finance and Support for the administrative costs incurred by the commissioner under this section which are attributable to child support obligations being enforced by the department. ~~Department of Health and Human Services Finance and Support.~~

(g) The director and the commissioner shall develop and implement a collection system to carry out the intent of this subsection. The system shall, at a minimum, provide that:

(i) The commissioner shall periodically notify the director of the information listed in section 43-1719 with respect to individuals determined to be eligible for unemployment compensation during such period;

(ii) Unless the county attorney, the authorized attorney, or ~~until January 1, 1997, the Department of Social Services and on and after January 1, 1997, the Department of Health and Human Services~~ has sent a notice on the same support order under section 43-1720, upon the notification required by subdivision (2)(g)(i) of this section, the director shall send notice to any such individual who owes child support obligations and who is subject to income withholding pursuant to subdivision (2)(a), (2)(b)(ii), or (2)(b)(iii) of section 43-1718.01. The notice shall be sent by certified mail to the last-known address of the individual and shall state the same information as required under section 43-1720;

(iii)(A) If the support obligation is not based on a foreign support order entered pursuant to section 43-1729 and the individual requests a hearing, the Department of Health and Human Services Finance and Support shall hold a hearing within fifteen days of the date of receipt of the request. The hearing shall be in accordance with the Administrative Procedure Act. The assignment shall be held in abeyance pending the outcome of the hearing. The department shall notify the individual and the commissioner of its decision within fifteen days of the date the hearing is held; and

(B) If the support obligation is based on a foreign support order entered pursuant to section 43-1729 and the individual requests a hearing, the county attorney or authorized attorney shall apply the procedures described in sections 43-1732 to 43-1742;

(iv)(A) If no hearing is requested by the individual under this subsection or pursuant to a notice sent under section 43-1720, (B) if after a hearing under this subsection or section 43-1721 the department determines that the assignment should go into effect, (C) in cases in which the court has ordered income withholding for child support pursuant to subsection (1) of section 43-1718.01, or (D) in cases in which the court has ordered income withholding for child support pursuant to section 43-1718.02 and the case subsequently becomes one in which child support collection services are being provided under Title IV-D of the federal Social Security Act, as amended, the director shall certify to the commissioner the amount to be withheld for child support obligations from the individual's unemployment compensation. Such amount shall not in any case exceed the maximum amount permitted to be withheld under section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b)(2)(A) and (B), and the amount withheld to satisfy an

arrears of child support when added to the amount withheld to pay current support shall not exceed such maximum amount;

(v) The collection system shall comply with the requirements of Title III and Title IV-D of the federal Social Security Act, as amended;

(vi) The collection system shall be in addition to and not in substitution for or derogation of any other available remedy; and

(vii) The director and the commissioner shall adopt and promulgate rules and regulations to carry out subdivision (2)(g) of this section.

(h) For purposes of this subsection, the term child support obligations shall include only obligations which are being enforced pursuant to a plan described in section 454 of the federal Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the federal Social Security Act.

(i) For purposes of this subsection, the term legal process shall mean any writ, order, summons, or other similar process in the nature of garnishment, which:

(i) Is issued by a court of competent jurisdiction of any state, territory, or possession of the United States or an authorized official pursuant to order of such a court of competent jurisdiction or pursuant to state law. For purposes of this subdivision, the Director of Finance and Support Health and Human Services shall be deemed an authorized official pursuant to order of a court of competent jurisdiction or pursuant to state law; and

(ii) Is directed to, and the purpose of which is to compel, the commissioner to make a payment for unemployment compensation otherwise payable to an individual in order to satisfy a legal obligation of such individual to provide child support.

(j) Nothing in this subsection shall be construed to authorize withholding from unemployment compensation of any support obligation other than child support obligations.

Sec. 107. Section 58-710, Revised Statutes Supplement, 1996, is amended to read:

58-710. (1) The Housing Code Task Force is created. The task force shall be located in the Department of Health and Human Services Regulation and Licensure for administrative purposes. The task force, in consultation with state and local entities, shall examine factors influencing the cost of housing construction, including, but not limited to:

(a) State and local statutes, rules, regulations, and codes governing the construction of housing;

(b) Planning and zoning processes which influence the timing and cost of housing construction;

(c) Local regulations influencing land and infrastructure development related to housing;

(d) Alternative state and local incentives for the encouragement of housing development;

(e) Licensing and inspection requirements of state and local governments to determine duplicative or cumbersome processes or practices;

(f) Whether a fiscal estimate should be required for building code revisions, land use ordinances, or construction and design standard change proposals of state or local governments; and

(g) Whether special assessments should be allocated over a longer period of time.

(2) By December 15, 1996, the task force shall transmit to the Legislature and the Governor a report on its findings and recommendations, including at least:

(a) Model local infrastructure guidelines related to housing construction;

(b) State and local incentives for housing development;

(c) Model planning and zoning processes which avoid housing development delays;

(d) Model local building codes for affordable housing;

(e) Concerning any recommendations for changes in codes and code enforcement, a statement analyzing the cost-benefit analysis between the amount of money saved and the potential loss of quality housing and safety; and

(f) Other recommendations for facilitating the construction of housing, including the items listed in subdivisions (1)(e), (f), and (g) of this section.

(3) The task force shall consist of at least twelve members representative of the public, private, and governmental interests in development, sales, and regulation of housing. Of the twelve members, at least one member shall be a local code enforcement official, at least one

member shall be a contractor involved in one of the licensed trades, and at least one member shall be an individual who actually works in the construction of housing. The Governor, in consultation with the housing advisory committee established in section 58-704, shall appoint the members, who shall be drawn from across the State of Nebraska, and a chairperson and vice-chairperson from the members.

(4) The task force shall meet at the call of the chairperson or at least seven of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the task force. A quorum shall be seven of the members.

(5) The task force shall terminate on December 31, 1996, unless extended by the Legislature.

Sec. 108. Section 68-1027, Reissue Revised Statutes of Nebraska, is amended to read:

68-1027. Refusal by the applicant or recipient specified in section 68-1026 to cooperate in obtaining reimbursement for medical care or services provided to himself or herself or any other member of the assistance group renders the applicant or recipient ineligible for assistance. Ineligibility shall continue for so long as such person refuses to cooperate. Cooperation may be waived by the department Department of Health and Human Services Finance and Support upon a determination of the reasonable likelihood of physical or emotional harm to the applicant, recipient, or other member of the assistance group if the applicant or recipient were to cooperate. Eligibility shall continue for any individual who cannot legally assign his or her own rights and who would have been eligible for assistance but for the refusal by another person, legally able to assign such individual's rights, to cooperate as required by this section.

Sec. 109. Section 68-1028, Reissue Revised Statutes of Nebraska, is amended to read:

68-1028. If the applicant or recipient or any member of the assistance group becomes ineligible for medical assistance benefits, the department Department of Health and Human Services Finance and Support shall restore to him or her the rights assigned under section 68-1026.

Sec. 110. Section 68-1037.03, Reissue Revised Statutes of Nebraska, is amended to read:

68-1037.03. Any person that presents, or causes to be presented, to an officer, employee, assignee, or agent of the state agency a claim under the medicaid program presents a false claim if such person knows or should know:

- (1) The goods or services were not provided as claimed;
- (2) The claim is not true or is fraudulent;
- (3) Such person made, used, or caused to be made or used a false

record or statement to support a claim; or

(4) The good or service was provided by a person during a period that such person was excluded from the medicaid program pursuant to a determination by the United States Secretary of Health and Human Services or by the state agency.

Any person that presents a false claim is subject, in addition to any other remedies that may be prescribed by law, to a civil penalty of not more than five thousand dollars for each false claim. In addition, such person is subject to an award of twice the amount of damages sustained by the state agency because of such claim. In the court's discretion, the prevailing party may also recover the costs of a civil action brought to recover the penalties or damages and for reasonable attorney's fees incurred, including the costs for no more than one expert used in the investigation and trial.

Sec. 111. Section 68-1037.04, Reissue Revised Statutes of Nebraska, is amended to read:

68-1037.04. In determining the amount of any penalties or assessments awarded under the False Medicaid Claims Act, the following shall be taken into account:

- (1) The nature of claims and the circumstances under which they were presented;
- (2) The degree of culpability, history of prior offenses, and financial condition of the person presenting the claims;
- (3) Coordination of the total penalties, damages, and assessments arising from the same claims, goods, or services, whether based on state or federal statute; and
- (4) Such other matters as justice requires.

Amounts recovered under the False Medicaid Claims Act shall be paid to the State Treasurer for credit to the Department of Health and Human Services Cash Fund, except that damages that exceed compensatory damages shall be credited to the permanent school fund. The amount of such penalty or assessment, when finally determined, or the amount agreed upon in compromise,

may be deducted from any sum then or later owing by the state agency to the person against whom the penalty or assessment has been assessed.

Sec. 112. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is amended to read:

69-2409.01. (1) For purposes of sections 69-2401 to 69-2425, the Nebraska State Patrol shall be furnished upon the patrol's request with only such information as may be necessary for the sole purpose of determining whether an individual is disqualified from purchasing or possessing a handgun pursuant to state or federal law. Such information shall be furnished by the Department of ~~Public Institutions Health and Human Services~~. The clerks of the various courts shall furnish to the Department of ~~Public Institutions Health and Human Services~~, within thirty days after the order of commitment or finding and the discharge, all information necessary to set up and maintain the data base required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged and (b) information regarding those persons who have been committed to treatment pursuant to section 29-3702. The Department of ~~Public Institutions Health and Human Services~~ shall also maintain in the data base a listing of persons committed to treatment pursuant to section 29-3702. Information regarding mental health board commitments and commitments pursuant to section 29-3702 shall not be retained in the data base maintained by the department on persons who have been discharged from those commitments more than five years previously. Any such information maintained or disclosed under this subsection shall remain privileged and confidential and shall not be redisclosed or utilized for any other purpose. The procedures for furnishing such information shall guarantee that no information is released beyond what is necessary for purposes of this section.

(2) In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant's place of residence or a licensee in the process of a criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

(3) Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

(4) Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or has completed a consent form under section 69-2410 shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law.

Sec. 113. Section 70-101, Reissue Revised Statutes of Nebraska, is amended to read:

70-101. Notwithstanding any other provision of law regarding confidentiality of records, every district or corporation organized under Chapter 70 shall, upon request, furnish to any county attorney, any authorized attorney as defined in section 42-347, or the Department of Health and Human Services ~~Finance and Support~~ a utility service subscriber's name, social security number, and mailing and residence addresses only for the purposes of establishing and collecting child, spousal, and medical support and of conducting reviews under sections 43-512.12 to 43-512.18. Such information shall be used for no other purpose. An action may be filed in district court to enforce this section. For purposes of this section, utility service shall mean electrical, gas, water, telephone, garbage disposal, or waste disposal service.

Sec. 114. Section 71-121, Reissue Revised Statutes of Nebraska, is amended to read:

71-121. The department shall, as far as practicable, provide for the conducting of the business of several boards of examiners by mail and may hold meetings by teleconference subject to Chapter 84, article 14. Any official action or vote of the members of a board of examiners taken by mail shall be preserved in the records of the department and shall be embodied in the proper minute book by the ~~Director of the Bureau of Examining Boards department~~.

Sec. 115. Section 71-121.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-121.01. The ~~Bureau of Examining Boards department~~ shall be responsible for the general administration of the activities of each of the boards of examiners as defined in Chapter 71, articles 1, 3, 47, and 61, and

the boards of examiners for the professions covered by the scope of the Uniform Licensing Law and named in section 71-102. The cost of operation of the Bureau of Examining Boards and administration of the boards of examiners shall be paid from fees received by the boards of examiners. The Director of the Bureau of Examining Boards Regulation and Licensure shall determine the proportionate share of this cost to be paid from the fees of the respective boards, except that no fees shall be paid for such purpose from any fund without the prior approval of the boards of examiners concerned. The director's determinations shall become final when approved by the respective boards of examiners and the department and shall be valid for one fiscal year only.

Sec. 116. Section 71-141, Reissue Revised Statutes of Nebraska, is amended to read:

71-141. In order that the Department of Health and Human Services Regulation and Licensure may determine the standards established by law and by rule in the other states, the Director of the Bureau of Examining Boards Regulation and Licensure, or some other person authorized by the Director of Regulation and Licensure director, shall gather information from other states bearing upon this point. The applicant shall, upon the request of the department, be responsible for securing information from the proper authority of the place from which he or she comes, of the standards maintained there, and the laws and rules relating thereto. In determining these standards, the department shall submit to the interested board of examiners any question that requires the exercise of expert knowledge.

Sec. 117. Section 71-151, Reissue Revised Statutes of Nebraska, is amended to read:

71-151. The Attorney General shall comply with such directions of the Department of Health and Human Services Regulation and Licensure or of the Director of Regulation and Licensure department or of the director and prosecute such action on behalf of the state, but the county attorney of any county where a licensee, certificate holder, or registrant has practiced, at the request of the Attorney General or of the department, shall appear and prosecute such action.

Sec. 118. Section 71-157, Reissue Revised Statutes of Nebraska, is amended to read:

71-157. If the order issued pursuant to section 71-156 is adverse to the licensee, certificate holder, or registrant, the costs shall be charged to him or her as in ordinary civil actions in the district court, but if the state is the unsuccessful party, the costs shall be paid out of any money in the Bureau of Examining Boards of the Department of Health and Human Services Regulation and Licensure licensing cash funds available for that purpose. Witness fees and costs may be taxed according to the rules prevailing in the district court.

Sec. 119. Section 71-158, Reissue Revised Statutes of Nebraska, is amended to read:

71-158. All costs accrued at the instance of the state when it is the successful party, which the Attorney General certifies cannot be collected from the defendant, shall be paid out of any available licensing cash funds in the Bureau of Examining Boards of the Department of Health and Human Services Regulation and Licensure.

Sec. 120. Section 71-161.10, Reissue Revised Statutes of Nebraska, is amended to read:

71-161.10. (1) Upon the establishment of such standards for relicensure, recertification, or reregistration by any board of examiners, by rule and regulation, and with the approval of the department, each licensed, certified, or registered practitioner of such profession or occupation in active practice within the state shall, on or before the date of expiration of his or her license, certificate, or registration in the year the requirement applies, certify on an affidavit form provided by the board of examiners of the profession or occupation concerned that he or she has complied with section 71-161.09 during the preceding two-year period. Such board shall, on or before the date of expiration of the license, certificate, or registration in the year the requirement applies, report all licensees, certificate holders, or registrants who have complied with the educational requirements to the Director of the Bureau of Examining Boards Department of Health and Human Services Regulation and Licensure. Licensees, certificate holders, or registrants who have not complied with such requirement shall not be issued a renewal license, certificate, or registration unless such requirements are waived or unless such licensees, certificate holders, or registrants are unable to comply due to circumstances beyond their control. Procedures for nonrenewal of the license, certificate, or registration of such licensees, certificate holders, or registrants due to failure to submit proof of

continuing education shall be identical to those for nonpayment of renewal fees as provided in sections 71-110 and 71-149, as well as procedures for reinstatement of the same. In cases other than nonrenewal, the procedures in sections 71-149 and 71-150 for refusal to renew shall apply. The department, on the recommendation of the board of examiners of the licensee's, certificate holder's, or registrant's profession, may waive continuing education requirements, in part or in total, for any two-year licensing, certification, or registration period when a licensee, certificate holder, or registrant submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(a) The licensee, certificate holder, or registrant holds a Nebraska license, certificate, or registration but is not practicing his or her profession or occupation in Nebraska;

(b) The licensee, certificate holder, or registrant has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the renewal date;

(c) The licensee, certificate holder, or registrant has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding the renewal date; and

(d) The licensee, certificate holder, or registrant was first licensed, certified, or registered within the twenty-four months immediately preceding the renewal date.

The department, with the consent of the interested board of examiners, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

(2) Each licensee, certificate holder, or registrant shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the renewal application as may be designed by the department. Each licensee, certificate holder, or registrant shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The appropriate examining board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing education credits. Each licensee, certificate holder, or registrant selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 121. Section 71-172.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-172.01. (1) The Department of Health and Human Services Regulation and Licensure may contract with the Department of Health and Human Services to provide a Licensee Assistance Program to licensees, certificate holders, and registrants regulated by the Bureau of Examining Boards Department of Health and Human Services Regulation and Licensure. The program shall be limited to providing education, referral assistance, and monitoring of compliance with treatment of habitual intoxication or dependence on or active addiction to alcohol or any controlled substance or narcotic drug and shall be limited to voluntary participation by licensees, certificate holders, and registrants.

(2)(a) Participation in the program shall be confidential, except that if any evaluation by the program determines that the intoxication, dependence, or active addiction may be of a nature which constitutes a danger to the public health and safety by the person's continued practice or if the person fails to comply with any term or condition of a treatment plan, the program shall report the same to the Director of Regulation and Licensure.

(b) Participation in the program shall not preclude the investigation of alleged statutory violations which could result in disciplinary action against the person's license, certificate, or registration or criminal action against the person. Any report from any person or from the program to the department indicating that a licensee, certificate holder, or registrant is habitually intoxicated or is dependent on or actively addicted to alcohol or any controlled substance or narcotic drug shall be treated as a complaint against such licensee, certificate, or registration and shall subject such licensee, certificate holder, or registrant to discipline under sections 71-150 to 71-155.

(3) No person who makes a report of intoxication or dependence on or active addiction to alcohol or any controlled substance or narcotic drug to

the program or from the program to the department shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or other criminal or civil action of any nature, whether direct or derivative, for making such report or providing information to the program or department in accordance with this section.

(4) Any person who contacts the department for information or assistance in obtaining referral or treatment of himself or herself or any other person licensed, certified, or registered by the department for habitual intoxication or dependence on or active addiction to alcohol or any controlled substance or narcotic drug shall be referred to the program. Such inquiries shall not be used by the department as the basis for investigation for disciplinary action, except that such limitation shall not apply to complaints or any other reports or inquiries made to the department concerning persons who may be suffering from habitual intoxication or dependence on or active addiction to alcohol or any controlled substance or narcotic drug or when a complaint has been filed or an investigation or disciplinary or other administrative proceeding is in process.

Sec. 122. Section 71-174.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-174.01. Each Nebraska-licensed podiatrist in active practice within the State of Nebraska shall be required on or before April 1 of each even-numbered year, commencing in 1986, to attend twenty-four hours biennially of such approved scientific schools, clinics, forums, lectures, or podiatric educational seminars, as may be announced and approved by the Board of Examiners in Podiatry, as a prerequisite for the licensee's next subsequent license renewal if at least twenty-four hours of such educational program are conducted biennially in the State of Nebraska.

Each licensed podiatrist in active practice within the State of Nebraska shall, on or before April 1 of each even-numbered year, certify on an affidavit form provided by the Board of Examiners in Podiatry that he or she has complied with this section during the preceding two-year period. Such board of examiners shall, on or before April 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards Department of Health and Human Services Regulation and Licensure. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or unable to comply due to circumstances beyond their control. Procedures for denial of renewal of the license of such licensees shall be identical to those for nonpayment of renewal fees and as provided in sections 71-110 and 71-149. The department, on the recommendation of the Board of Examiners in Podiatry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(1) The licensee holds a Nebraska license but is not practicing podiatry in Nebraska;

(2) The licensee has served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the license renewal date;

(3) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(4) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board of Examiners in Podiatry, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 123. Section 71-1,136.01, Reissue Revised Statutes of

Nebraska, is amended to read:

71-1,136.01. Each Nebraska-licensed optometrist in active practice within the State of Nebraska shall be required on or before August 1 of each even-numbered year, commencing in 1986, to attend thirty-two hours biennially, of which sixteen hours shall be earned annually each year commencing August 1, 1990, of such approved scientific schools, clinics, forums, lectures, or optometric educational seminars, as may be announced and approved by the Board of Examiners in Optometry, as a prerequisite for the licensee's next subsequent license renewal if at least sixteen hours of such educational program are conducted annually in the State of Nebraska and at least thirty-two hours of such educational program are conducted biennially in the State of Nebraska.

Each licensed optometrist in active practice within the State of Nebraska shall, on or before August 1 of each even-numbered year, certify on forms provided by the Board of Examiners in Optometry that he or she has complied with sections 71-1,133 to 71-1,136 and this section during the preceding two-year period. Such board of examiners shall, on or before August 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards Department of Health and Human Services Regulation and Licensure. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or excused for good cause shown. The department, on the recommendation of the Board of Examiners in Optometry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(1) The licensee holds a Nebraska license but is not practicing optometry in Nebraska;

(2) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(3) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(4) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board of Examiners in Optometry, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at the continuing education seminars listed on his or her renewal application.

Sec. 124. Section 71-1,142, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,142. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Practice of pharmacy shall mean (a) the interpretation and evaluation of prescription orders, (b) the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially packaged legend drugs and devices, (c) the participation in drug selection, drug utilization review, drug source selection, and drug administration, (d) the proper and safe storage of drugs and devices and the maintenance of proper records therefor, (e) patient counseling, (f) the provision of pharmaceutical care, and (g) the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy. The active practice of pharmacy shall mean the performance of the functions set out in this subdivision by a pharmacist as his or her principal or ordinary occupation;

(2) Administration shall mean the direct application of a drug or

device by injection, inhalation, ingestion, or other means to the body of a patient;

(3) Board of pharmacy or board shall mean the Board of Examiners in Pharmacy;

(4) Caregiver shall mean any person acting as an agent on behalf of a patient or any person aiding and assisting a patient;

(5) Compounding shall mean the preparation, mixing, or assembling of a drug or device (a) as the result of a practitioner's prescription order or initiative occurring in the course of professional practice based upon the relationship between the practitioner, patient, and pharmacist or (b) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding shall include the preparation of drugs or devices in anticipation of prescription orders based upon routine, regularly observed prescribing patterns;

(6) Deliver or delivery shall mean the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for consideration;

(7) Department shall mean the Department of Health and Human Services Regulation and Licensure;

(8) Device shall mean an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, which is prescribed by a medical practitioner and dispensed by a pharmacist or other person authorized by law to do so;

(9) Dispense or dispensing shall mean the preparation and delivery of a drug or device pursuant to a lawful order of a medical practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the drug or device;

(10) Distribute shall mean the delivery of a drug or device other than by administering or dispensing;

(11) Drug dispensing permit shall mean a permit issued by the department upon the recommendation of the board to a public health clinic which allows for the dispensing of drugs and devices in the formulary approved by the Director of Regulation and Licensure pursuant to section 71-1,147.48;

(12) Person shall mean an individual, corporation, partnership, limited liability company, association, or other legal entity;

(13) Labeling shall mean the process of preparing and affixing a label to any drug container or device container, exclusive of the labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law or regulation;

(14) Pharmaceutical care shall mean the provision of drug therapy for the purpose of achieving therapeutic outcomes that improve a patient's quality of life. Such outcomes shall include (a) the cure of disease, (b) the elimination or reduction of a patient's symptomatology, (c) the arrest or slowing of a disease process, or (d) the prevention of a disease or symptomatology. Pharmaceutical care shall include the process through which the pharmacist works in concert with the patient and his or her caregiver, physician, or other professionals in designing, implementing, and monitoring a therapeutic plan that will produce specific therapeutic outcomes for the patient;

(15) Pharmacist shall mean any person who (a) is licensed by the State of Nebraska to practice pharmacy or (b) is primarily responsible for providing pharmaceutical care as defined in subdivision (14) of this section;

(16) Pharmacy shall mean (a) any establishment, place, or location advertised as a pharmacy, drug store, hospital pharmacy, dispensary, apothecary, or any combination of such titles or any establishment where the practice of pharmacy is carried on except as exempted in section 71-1,143 and (b) any establishment, place, or location used as a pick-up point or drop point, including kiosks, for prescriptions to be filled or where prescribed drugs or devices are made ready for delivery to the patient, but shall not include an emergency box located within an institution pursuant to the provisions of the Emergency Box Drug Act;

(17) Drugs, medicines, and medicinal substances shall mean (a) articles recognized in the official United States Pharmacopoeia, the Homeopathic Pharmacopoeia of the United States, the official National Formulary, or any supplement to any of them, (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals, (c) articles, except food, intended to affect the structure or any function of the body of a human or an animal, (d) articles intended for use as a component of any articles specified in subdivision (a), (b), or (c) of this subdivision, except any device or its components, parts, or

accessories, and (e) prescription drugs as defined in subdivision (22) of this section;

(18) Medical practitioner shall mean any licensed physician, surgeon, podiatrist, dentist, or other person licensed to write prescriptions intended for treatment or prevention of disease or to affect body function in humans or animals;

(19) Patient counseling shall mean the verbal communication by a pharmacist, in a manner reflecting dignity and the right of the patient to a reasonable degree of privacy, of information to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescribed drugs and devices and shall also include the duties set out in subsection (2) of section 71-1,147.35;

(20) Pharmacist in charge shall mean a pharmacist licensed by the State of Nebraska to practice pharmacy who has been designated on a pharmacy permit or designated by a public or private hospital licensed by the department as being responsible for the practice of pharmacy in the pharmacy for which such permit is issued or such hospital's inpatient pharmacy and who shall work within the physical confines of such pharmacy for a majority of the hours per week that the pharmacy is open for business averaged over a twelve-month period or thirty hours per week, whichever is less;

(21) Pharmacy intern shall mean (a) a student currently enrolled in an accredited college or school of pharmacy or (b) a graduate of an accredited college or school of pharmacy serving his or her internship, such internship to expire not later than fifteen months after the date of graduation or at the time of professional licensure, whichever comes first. Such pharmacy intern may compound and dispense drugs or devices and fill prescriptions only in the presence of and under the immediate personal supervision of a licensed pharmacist. Such licensed pharmacist shall either be (i) the person to whom the pharmacy permit is issued or a person in the actual employ of the permittee or (ii) the pharmacist in charge designated by a public or private institution licensed as a hospital by the department which is not required to obtain a permit pursuant to section 71-1,147.01 or a person in the actual employ of such institution;

(22) Prescription drug or legend drug shall mean (a) a drug which under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements: (i) Caution: Federal law prohibits dispensing without prescription; or (ii) Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian or (b) a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by medical practitioners only;

(23) Prescription order or prescription shall mean a lawful written or verbal order of a medical practitioner for a drug or device but shall not include an order for a drug or device which is dispensed for administration to a patient during the patient's stay in a hospital;

(24) Nonprescription drugs shall mean nonnarcotic medicines or drugs which may be sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the laws and regulations of this state and the federal government;

(25) Public health clinic worker shall mean a person in a public health clinic operating with a drug dispensing permit who has completed the approved training and has demonstrated proficiency to perform the task of dispensing authorized refills of oral contraceptives;

(26) Public health clinic shall mean the department, any county, city-county, or multicounty health department, or any private not-for-profit family planning clinic licensed as a health clinic as defined in section 71-2017.01;

(27) Supervision shall mean the immediate personal guidance and direction by the licensed pharmacist on duty in the facility of the performance by supportive pharmacy personnel of authorized activities or functions subject to verification by such pharmacist, except that when supportive pharmacy personnel perform authorized activities or functions to assist a pharmacist on duty in the facility when the prescribed drugs or devices will be administered by a licensed staff member or consultant or by a licensed physician assistant to patients or residents of a health care facility licensed pursuant to sections 71-2017 to 71-2029, the activities or functions of such supportive pharmacy personnel shall only be subject to verification by a pharmacist on duty in the facility;

(28) Supportive pharmacy personnel shall mean individuals at least eighteen years of age who are high school graduates or officially recognized by the State Department of Education as possessing the equivalent degree of education, who have never been convicted of any drug-related misdemeanor or

felony, and who, under the written control procedures and guidelines of an employing pharmacy and who have received onsite training pursuant to subsection (4) of section 71-1,147.33, may perform those functions which do not require the exercise of professional judgment in assisting a pharmacist in connection with the preparation, compounding, dispensing, and distribution of drugs or devices under the supervision of a licensed pharmacist on duty in the facility, when such functions are subject to verification. The ratio of supportive pharmacy personnel allowed to assist one pharmacist in the preparation, compounding, dispensing, and distribution of drugs or devices shall not exceed one-to-one, except that a two-to-one ratio may apply to supportive pharmacy personnel assisting a pharmacist in circumstances when the prescribed drugs or devices will be administered by a licensed staff member or consultant or by a licensed physician assistant to patients of a hospital licensed pursuant to sections 71-2017 to 71-2029. Under no circumstances shall the ratio exceed two supportive pharmacy personnel to one supervising pharmacist;

(29) Verification shall mean the confirmation by the supervising pharmacist of the accuracy and completeness of the acts, tasks, or functions undertaken by supportive pharmacy personnel to assist the pharmacist in the practice of pharmacy. Verification by the supervising pharmacist shall be documented prior to the time when the drug or device is dispensed; and

(30) Written control procedures and guidelines shall mean the document prepared by an employing pharmacy and approved by the board which specifies the manner in which the qualifications of supportive pharmacy personnel employed by the pharmacy are determined, the manner in which the training of such personnel is conducted and their basic level of competency is confirmed, the manner in which supervision is provided, the manner in which the functions of supportive pharmacy personnel are verified, and a protocol governing the use of supportive pharmacy personnel and the functions which they may perform.

Sec. 125. Section 71-1,147.08, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,147.08. (1) Except as otherwise provided in section 71-1,147.01, a person desiring to open a new pharmacy shall file an application for a permit not less than thirty days prior to the contemplated opening date. Before a permit may be granted for the operation of a new pharmacy, an inspection shall be made by a duly qualified representative of the board to determine whether all of the requirements for such a permit have been fulfilled. If all of the requirements have been fulfilled, the department shall issue a permit for the operation of the new pharmacy. The fee for such permit, to accompany the application, shall be two hundred dollars.

(2) Any person desiring to open a new pharmacy who is not required to obtain a permit under section 71-1,147.01 shall file an application for initial inspection at least thirty days prior to the contemplated opening date. Upon satisfactory completion of the inspection the department shall issue the pharmacy an initial inspection certificate. The pharmacy shall post such certificate in a conspicuous place within view of the public. The fee for such certificates issued on the basis of an inspection shall be two hundred dollars. Within six months after May 10, 1983, the department shall issue an initial certificate to each pharmacy existing on May 10, 1983, which was initially inspected prior to such date and which was not required to obtain a permit pursuant to section 71-1,147.01.

(3) Any public or private hospital pharmacy which does not display an initial inspection certificate issued pursuant to subsection (2) of this section shall be subject to a six-month suspension of the license of the public or private hospital.

(4) The department shall, except as provided in subsection (5) of this section, inspect each pharmacy in the state at least once every year. The Bureau of Health Facilities Standards of the Department of Health and Human Services Regulation and Licensure department shall have primary authority to inspect pharmacies of public and private hospitals licensed by the department and shall coordinate routine inspections of pharmacies in hospitals licensed by the department. The board or its representatives shall immediately report any suspected violation of the minimum pharmacy standard to the bureau department which shall take remedial action. Such violation, if proved, shall be grounds for denial, suspension, or revocation of the license of the hospital under section 71-2023.

(5) The department may, upon recommendation by the board, and the bureau, accept the inspection of a hospital pharmacy conducted by the Joint Commission on the Accreditation of Hospitals in lieu of the inspection required pursuant to subsection (4) of this section if the Director of

Regulation and Licensure determines that the commission standards are equal to or more stringent than the standards of the department.

(6) The department shall charge an annual inspection fee for each pharmacy inspected pursuant to subsection (4) or (5) of this section which does not possess a permit issued pursuant to section 71-1,147.07. Such fee shall be one hundred dollars and shall be paid into the Nebraska Pharmaceutical Fund.

Sec. 126. Section 71-1,147.41, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,147.41. No fee shall be required for issuance of a drug dispensing permit.

The applicant shall pay an initial inspection fee and subsequent annual inspection fees in an amount determined by the Bureau of Examining Boards department based upon the actual costs of the inspection but not less than fifty dollars nor more than three hundred dollars.

In addition, each permittee shall share equally in the actual cost of maintaining the Formulary Advisory Committee, which cost shall be billed annually to the permittees by the department.

All fees and costs collected by the department shall be remitted to the State Treasurer for credit to the Nebraska Pharmaceutical Fund.

Sec. 127. Section 71-1,154, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,154. When used in the Nebraska Veterinary Practice Act and elsewhere in the Uniform Licensing Law, unless the context otherwise requires:

(1) Animal shall mean any animal other than man and shall include birds, fish, and reptiles, wild or domestic, living or dead, except domestic poultry;

(2) Veterinary medicine and surgery shall include veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine;

(3) Practice of veterinary medicine and surgery shall mean:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above;

(b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (a) of this subdivision; and

(c) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subdivision (a) of this subdivision;

(4) Veterinarian shall mean a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine;

(5) Licensed veterinarian shall mean a person who is validly and currently licensed to practice veterinary medicine and surgery in this state;

(6) Accredited school of veterinary medicine within the meaning of the Nebraska Veterinary Practice Act shall mean:

(a) One approved by the department upon the recommendation of the board;

(b) A veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent; and

(c) One that conforms to the standards required for accreditation by the American Veterinary Medical Association;

(7) Person shall mean any individual, firm, partnership, limited liability company, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person;

(8) Board shall mean the State Board of Examiners in Veterinary Medicine and Surgery; and

(9) Department shall mean the Department of Health and Human Services Regulation and Licensure; and

~~(10) Bureau shall mean the Bureau of Examining Boards of the Department of Health and Human Services Regulation and Licensure.~~

Sec. 128. Section 71-1,234, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,234. (1) Each Nebraska-licensed respiratory care practitioner in active practice within the State of Nebraska shall be required on or before June 1 of each even-numbered year, commencing in 1988, to attend twenty hours biennially of such approved scientific schools, clinics, forums, lectures, or educational seminars as may be approved by the board as a prerequisite for the licensee's next subsequent license renewal if at least twenty hours of such educational program are conducted biennially in the State of Nebraska, except as provided in section 71-1,228.

(2) Each licensed respiratory care practitioner in active practice within the State of Nebraska shall, on or before June 1 of each even-numbered year, certify on an affidavit form provided by the board that he or she has complied with this section during the preceding two-year period or the period since the license was last issued. The board shall, on or before June 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards Department of Health and Human Services Regulation and Licensure. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt or unable to comply due to circumstances beyond their control. Procedures for nonrenewal for failure to submit proof of continuing education shall be identical to those for nonpayment of renewal fees as provided in sections 71-110 and 71-149. In cases other than nonrenewal, the procedures in sections 71-149 and 71-150 for refusal to renew shall apply. The department, on the recommendation of the board, may waive all or part of the continuing education requirements for any two-year licensing period, or for the period since the license was last issued, when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(a) The licensee holds a Nebraska license but is not in the practice of respiratory care in Nebraska;

(b) The licensee has served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the license renewal date;

(c) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the twenty-four months immediately preceding any license renewal date; and

(d) The licensee was first licensed within the twenty-four months immediately preceding the renewal date provided in section 71-110.

(3) The department, upon the recommendation of the board, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

(4) Each licensee shall provide a sworn affidavit listing continuing education activities in which he or she participated or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be designed by the department. Each licensee shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

(5) The board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee selected for audit shall be required to produce documentation of his or her attendance at continuing education seminars listed on his or her renewal application.

Sec. 129. Section 71-1,237, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,237. The Respiratory Care Practitioners Fund is hereby created. All money in the fund shall be used exclusively by the Bureau of Examining Boards department to carry out its statutory and regulatory duties pertaining to the practice of respiratory care. The State Treasurer shall credit to the fund all license and renewal fees for the practice of respiratory care remitted to the State Treasurer by the department pursuant to section 71-162 except such amount distributed pursuant to sections 33-150 and 71-6228. Any money in the 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. 130. Section 71-1,243, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,243. The Athletic Trainer Fund is hereby created. All money in the fund shall be used exclusively by the Bureau of Examining Boards department to carry out the statutory and regulatory duties pertaining to the

practice of athletic training. The State Treasurer shall credit to the fund all certification and renewal fees for the practice of athletic training remitted to the State Treasurer by the department pursuant to section 71-162 except such amounts distributed pursuant to sections 33-150 and 71-6228. Any money in the 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. 131. Section 71-1,283, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,283. The Massage Therapy Fund is hereby created. All money in the fund shall be used exclusively by the ~~Bureau of Examining Boards~~ department to carry out the statutory and regulatory duties pertaining to the practice of massage therapy. The State Treasurer shall credit to the fund all certification and renewal fees for the practice of massage therapy remitted to the State Treasurer by the department pursuant to section 71-162 except such amounts distributed pursuant to sections 33-150 and 71-6228. Any money in the 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. 132. Section 71-1,288, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,288. The Medical Nutrition Therapy Fund is created. All money in the fund shall be used exclusively by the ~~Bureau of Examining Boards~~ department to carry out the statutory and regulatory duties pertaining to the practice of medical nutrition therapy. The State Treasurer shall credit to the fund all licensure and renewal fees for the practice of medical nutrition therapy remitted to the ~~state treasury~~ State Treasurer by the department pursuant to section 71-162 except such amounts distributed pursuant to sections 33-150 and 71-6228. Any money in the 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. ~~Any money in the Nutritionists Fund on September 1, 1995, shall be transferred to the Medical Nutrition Therapy Fund.~~

Sec. 133. Section 71-1,334, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,334. The Mental Health Practice Fund is hereby created. The money in the fund shall be used by the ~~Bureau of Examining Boards~~ department to carry out the statutory and regulatory duties pertaining to mental health practice.

The State Treasurer shall credit to the fund all licensure and renewal fees for mental health practice and certification and renewal fees for social work, professional counseling, and marriage and family therapy remitted by the department pursuant to section 71-162 except the amounts distributed pursuant to sections 33-150 and 71-6228. ~~Any money in the Social Work Fund or the Professional Counselor Fund on September 1, 1994, shall be transferred on such date to the Mental Health Practice Fund.~~

Any money in the 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. 134. Section 71-390, Reissue Revised Statutes of Nebraska, is amended to read:

71-390. (1) Examinations approved by the board may be national standardized examinations, but in all cases the examinations shall be related to the knowledge and skills necessary to perform the practices being examined and shall be related to the curricula required to be taught in schools of cosmetology or schools of electrolysis.

(2) The board shall fix the time and place of each examination no less than one year in advance. At least two examinations shall be given annually. All examinations shall be conducted in the city of Lincoln unless ordered otherwise by the department.

(3) If examinations are administered directly by the department, the examination shall be administered by a chief examiner who shall be an employee of the department. Persons serving as examiners for practical examinations administered directly by the department shall hold current licenses in the field of practice being examined or in cosmetology, except that examiners for instructors' examinations shall each hold an instructor's license, either active or inactive.

(4) Practical examinations shall be conducted in such a manner that the identity of the applicant is not disclosed to the examiners in any way.

(5) In order to successfully complete the examination, an applicant shall obtain an average grade of seventy-five percent on the written examination and an average grade of seventy-five percent with no individual

subject grade below sixty-five percent on the practical examination.

(6) For practical examinations administered directly by the department, examination grades shall be approved by the board and the department before they become official. Any disagreements regarding a grade to be given among the examiners shall be settled by the chief examiner. An examiner may appeal such a decision to the Director of the Bureau of Examining Boards Regulation and Licensure or his or her designee.

(7) The department shall keep a permanent record of all grades received in examinations and shall provide any individual a copy of his or her grades upon request without charge.

(8) The department may adopt and promulgate rules and regulations to provide for procedures, development, administration, scoring, and reviewing of examinations and to protect the security of the contents of examination questions and answers in the examination review. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from such service detailed documentation of the process of examination development and maintenance.

Sec. 135. Section 71-604, Reissue Revised Statutes of Nebraska, is amended to read:

71-604. (1) A certificate for each live birth which occurs in the State of Nebraska shall be filed on a standard Nebraska certificate form. Such certificate shall be filed with the Bureau of Vital Statistics Department of Health and Human Services Finance and Support within five business days after the birth.

(2) When a birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain the personal data, prepare the certificate which shall include the name, title, and address of the attendant, certify that the child was born alive at the place and time and on the date stated either by standard procedure or by an approved electronic process, and file the certificate. The physician or other person in attendance shall provide the medical information required for the certificate within seventy-two hours after the birth.

(3) When a birth occurs outside an institution, the certificate of birth shall be prepared and filed by one of the following:

- (a) The physician in attendance at or immediately after the birth;
- (b) The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred; or
- (c) Any other person in attendance at or immediately after the birth.

Sec. 136. Section 71-604.05, Reissue Revised Statutes of Nebraska, is amended to read:

71-604.05. (1) The Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall not file (a) a certificate of live birth, (b) a certificate of delayed birth registration for a registrant under twenty-five years of age when an application for such certificate is filed, (c) a certificate of live birth filed after adoption of a Nebraska-born person or a person born outside of the jurisdiction of the United States, or (d) a certificate of live birth issued pursuant to section 71-628 unless the social security number or numbers issued to the parents are furnished by the person seeking to register the birth. No such certificate may be amended to show paternity unless the social security number of the father is furnished by the person requesting the amendment. The social security number shall not be required if no social security number has been issued to the parent or if the social security number is unknown.

(2) Social security numbers (a) shall be recorded on the birth certificate but shall not be considered part of the birth certificate and (b) shall only be used for the purpose of enforcement of child support orders in Nebraska as permitted by Title IV-D of the federal Social Security Act, as amended, or as permitted by section 7(a) of the federal Privacy Act of 1974, as amended. The Department of Health and Human Services Finance and Support shall make social security numbers available to the Department of Health and Human Services for purposes permitted under Title IV-D of the federal Social Security Act, as amended.

(3) The Department of Health and Human Services Finance and Support, or on receipt of a written or electronic request by the Department of Health and Human Services, may release data to the Social Security Administration which is necessary to obtain a social security number and which is contained on the birth certificate of any individual who has applied for or is receiving medicaid or food stamp benefits. The Department of Health and Human Services Finance and Support shall make such data available only for the purpose of obtaining a social security number for the individual.

Sec. 137. Section 71-605, Reissue Revised Statutes of Nebraska, is amended to read:

71-605. (1) The funeral director and embalmer in charge of the funeral of any person dying in the State of Nebraska shall cause a certificate of death to be filled out with all the particulars contained in the standard form adopted and promulgated by the Department of Health and Human Services Finance and Support. Such standard form shall include a space for certificate of veteran status and the period of service in the armed forces of the United States as defined in section 80-401.01 and a statement of the cause of death made by a person holding a valid license as a physician who last attended the deceased. Death and fetal death certificates shall be completed by the funeral directors and embalmers and physicians only for the purpose of filing with the Bureau of Vital Statistics department.

(2) The physician shall have the responsibility and duty to complete and sign in his or her own handwriting, within twenty-four hours from the time of death, that part of the certificate of death entitled medical certificate of death. In the case of a death when no person licensed as a physician was in attendance, the funeral director and embalmer shall refer the case to the county attorney for a death certificate.

No cause of death shall be certified in the case of the sudden and unexpected death of a child between the ages of one week and three years unless an autopsy is performed at county expense by a qualified pathologist, unless the parents or guardian signs a written waiver of the right to autopsy. The parents or guardian shall be notified of the results of the autopsy by their physician, community health official, or county coroner within forty-eight hours. The term sudden infant death syndrome shall be entered on the death certificate as the principal cause of death when the term is appropriately descriptive of the pathology findings and circumstances surrounding the death of a child.

If the circumstances show it possible that death was caused by neglect, violence, or any unlawful means, the case shall be referred to the county attorney for investigation and certification. The county attorney shall, within twenty-four hours after taking charge of the case, state the cause of death as ascertained, giving as far as possible the means or instrument which produced the death. All death certificates shall show clearly the cause, disease, or sequence of causes ending in death. If the cause of death cannot be determined within the period of time stated above, the death certificate shall be filed to establish the fact of death. As soon as possible thereafter, and not more than six weeks later, supplemental information as to the cause, disease, or sequence of causes ending in death shall be filed with the department to complete the record. For all certificates stated in terms that are indefinite, insufficient, or unsatisfactory for classification, inquiry shall be made to the person completing the certificate to secure the necessary information to correct or complete the record.

(3) A completed death certificate shall be filed with the Bureau of Vital Statistics Department of Health and Human Services Finance and Support within five business days after the date of death. If it is impossible to complete the certificate of death within five business days, the funeral director and embalmer shall notify the bureau department of the reason for the delay and file the certificate as soon as possible.

(4) Before any dead human body may be cremated, a cremation permit shall first be signed by the county attorney, or by his or her authorized representative as designated by the county attorney in writing, of the county in which the death occurred on a form prescribed and furnished by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support.

(5) A permit for disinterment shall be required prior to disinterment of a dead human body. The permit shall be issued by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support to a licensed funeral director and embalmer upon proper application. The request for disinterment shall be made by the next of kin of the deceased, as listed in section 71-1339, or a county attorney on a form furnished by the bureau department. The application shall be signed by the funeral director and embalmer who will be directly supervising the disinterment. When the disinterment occurs, the funeral director and embalmer shall sign the permit giving the date of disinterment and file the permit with the Bureau of Vital Statistics department within ten days of the disinterment.

(6) When a request is made under subsection (5) of this section for the disinterment of more than one dead human body, an order from a court of competent jurisdiction shall be submitted to the Bureau of Vital Statistics Department of Health and Human Services Finance and Support prior to the

issuance of a permit for disinterment. The order shall include, but not be limited to, the number of bodies to be disinterred if that number can be ascertained, the method and details of transportation of the disinterred bodies, the place of reinterment, and the reason for disinterment. No sexton or other person in charge of a cemetery shall allow the disinterment of a body without first receiving from the Bureau of Vital Statistics department a disinterment permit properly completed.

(7) No dead human body shall be removed from the state for final disposition without a transit permit issued by the funeral director and embalmer having charge of the body in Nebraska, except that when the death is subject to investigation, the transit permit shall not be issued by the funeral director and embalmer without authorization of the county attorney of the county in which the death occurred. No agent of any transportation company shall allow the shipment of any body without the properly completed transit permit prepared in duplicate.

(8) The interment, disinterment, or reinterment of a dead human body shall be performed under the direct supervision of a licensed funeral director and embalmer, except that hospital disposition may be made of the dead human body of a stillborn infant with due respect for the stillborn infant and in accordance with existing law when requested by the parents or legal guardian.

(9) All transit permits issued in accordance with the law of the place where the death occurred in a state other than Nebraska shall be signed by the funeral director and embalmer in charge of burial and forwarded to the Bureau of Vital Statistics Department of Health and Human Services Finance and Support within five business days after the interment takes place.

Sec. 138. Section 71-606, Reissue Revised Statutes of Nebraska, is amended to read:

71-606. A child born dead shall be registered as a fetal death on a certificate form furnished by the Department of Health and Human Services Finance and Support. Such certificate shall not be required for a child which has not advanced to the twentieth week of gestation. The certificate shall be filed with the Bureau of Vital Statistics department by the funeral director and embalmer in charge of the funeral and shall include a statement of the cause of death made by a person holding a valid license as a physician who was in attendance. In the event of hospital disposition, as provided in section 71-605, the entire certificate shall be completed by the attending physician and subscribed to also by the hospital administrator or his or her designated representative. If the attendant is not a physician, the death shall be referred to the county attorney for certification. The same time limit for completion shall apply as for a regular death certificate.

Sec. 139. Section 71-608.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-608.01. Persons in any county containing a city of the metropolitan or primary class which has an established city-county or county health department pursuant to sections 71-1626 to 71-1636 which has an established birth and death registration system shall be exempt from the requirements of direct filing of birth and death certificates required by sections 71-604, 71-605, and 71-606. The certificates for the births and deaths occurring in any such county shall be filed with the vital statistics office of the city-county or county health department within five business days of the date of the birth or death. The city-county or county health department shall forward the certificates to the Bureau of Vital Statistics Department of Health and Human Services Finance and Support within ten business days of the date of the birth or death.

Sec. 140. Section 71-612, Reissue Revised Statutes of Nebraska, is amended to read:

71-612. (1) The Director of Finance and Support, as the State Registrar, through the Department of Health and Human Services Finance and Support shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by rules and regulations of the department, a certified copy of the record of any birth, death, marriage, annulment, or dissolution of marriage registered. The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use. Except as provided in subsections (2), (3), (5), (6), and (7) of this section, the department shall be entitled to charge and collect in advance a fee of (a) nine dollars until July 1, 1999, and (b) seven dollars on and after July 1, 1999, to be paid by the applicant for each certified copy

supplied to the applicant or for any search made at the applicant's request for access to or a certified copy of any record, whether or not the record is found on file with the department.

(2) The department shall, free of charge, search for and furnish a certified copy of any record on file with the department upon the request of (a) the United States Department of Veterans Affairs or any lawful service organization empowered to represent veterans if the copy of the record is to be issued, for the welfare of any member or veteran of the armed forces of the United States or in the interests of any member of his or her family, in connection with a claim growing out of service in the armed forces of the nation or (b) the Military Department.

(3) The Department of Health and Human Services Finance and Support may, free of charge, search for and furnish a certified copy of any record on file with the department when in the opinion of the director of vital statistics Director of Finance and Support it would be a hardship for the claimant of old age, survivors, or disability benefits under the federal Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received by the department. Such funds shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. Money credited to the fund pursuant to this section shall be used for the purpose of administering the laws relating to vital statistics and may be used to create a petty cash fund administered by the department to facilitate the payment of refunds to individuals who apply for copies of records. The petty cash fund shall be subject to section 81-104.01, except that the amount in the petty cash fund shall not be less than twenty-five dollars nor more than one thousand dollars.

(5) The department shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any inhospital staff committee pursuant to sections 71-3401 to 71-3403. If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that the fee shall not exceed two dollars per individual search or copy requested.

(6) The department may permit use of data from vital records for statistical or research purposes under section 71-602 or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under security provisions which shall assure the integrity and security of the records and data base and shall charge and collect a fee that shall recover the department's costs.

(7) In addition to the fees charged under subsection (1) of this section, the department shall charge and collect an additional fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for access to or a certified copy of any such record, whether or not the record is found on file with the department. Any county containing a city of the metropolitan class which has an established city-county or county health department pursuant to sections 71-1626 to 71-1636 which has an established system of registering births and deaths shall charge and collect in advance a fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for such record, whether or not the record is found on file with the county. All such fees collected shall be remitted to the State Treasurer for credit to the General Fund.

(8) The department shall not charge other state agencies the fees authorized under subsections (1) and (7) of this section for automated review of any certificates. The department shall charge and collect a fee from other state agencies for such automated review that will recover the department's cost.

Sec. 141. Section 71-614, Reissue Revised Statutes of Nebraska, is amended to read:

71-614. (1) On or before the fifth day of each month, the county clerk of each county shall return to the Department of Health and Human Services Finance and Support upon suitable blank forms, to be provided by the department, a statement of all marriages recorded by him or her during the preceding calendar month. If no marriages were performed in the county during the preceding month, a card furnished by the department indicating such information shall be submitted on or before the fifth day of each month to the department. Upon neglect or refusal to make such returns, such county clerk

shall, for each such neglect or refusal, forfeit and pay the sum of twenty-five dollars for the use of the proper county, to be collected as debts of like amount are now collectible.

(2) As soon as possible after completion of an amendment to a marriage license by the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support, the department shall forward a noncertified copy of the marriage license reflecting the amendment to the county clerk of the county in which the license was filed. Upon receipt of the amended copy, the county clerk shall make the necessary changes on the marriage license on file in his or her office to reflect the amendment.

Sec. 142. Section 71-616.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-616.04. To preserve vital records, the Department of Health and Human Services Finance and Support may prepare typewritten, photographic, electronic, or other reproductions of certificates or reports of the Bureau of Vital Statistics vital records. Such reproductions, when verified and approved by the department, shall be accepted as the original records, and the documents from which permanent reproductions have been made may be disposed of as provided by rules and regulations of the department.

Sec. 143. Section 71-616.05, Reissue Revised Statutes of Nebraska, is amended to read:

71-616.05. It is the intent of the Legislature that the temporary two-dollar increase prescribed in subdivision (1)(a) of section 71-612, subdivision (1) of section 71-617.15, subdivision (1) of section 71-627, subdivision (1) of section 71-628, and subdivision (1) of section 71-634 shall be used to fund the acquisition of an imaging system for the vital records of the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support.

Sec. 144. Section 71-617.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.02. A notarized application may be filed with the Bureau of Vital Statistics Department of Health and Human Services Finance and Support for a delayed registration of birth of any person born in the State of Nebraska whose birth is not registered within one year after the date of birth. If the birth occurred in the State of Nebraska at any time since the commencement in 1905 of mandatory registration under the laws of Nebraska, the applicant shall pay the statutory file search fee prescribed by section 71-612 to determine that such birth is not recorded. The certificate shall be registered based upon documentary evidence furnished to substantiate the alleged facts of birth. As used in the Delayed Birth Registration Act, unless the context otherwise requires, documentary evidence shall mean independent records each of which was created for a different purpose.

Sec. 145. Section 71-617.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.06. Independent supporting records shall include, but not be limited to, original records or certified or notarized copies of:

- (1) A recorded certificate of baptism performed under age four;
- (2) An insurance policy application personal history sheet;
- (3) A federal census record;
- (4) A school census record;
- (5) A military service record;
- (6) A family Bible record when proved beyond a reasonable doubt that the record was made before the child reached age four;

(7) Other evidence on file in the Bureau of Vital Statistics Department of Health and Human Services Finance and Support taken from other registrations;

(8) A record at least five years old or established within seven years of the date of birth such as a physician's certificate or an affidavit taken from physician, hospital, nursing, or clinic records;

- (9) An affidavit from a parent or longtime acquaintance;
- (10) A printed notice of birth;
- (11) A record from a birthday or baby book;
- (12) A school record; or
- (13) A church record.

An affidavit shall include the full name of the person whose birth is being registered as well as the date and place of birth and the basis of the affiant's knowledge of these facts.

Sec. 146. Section 71-617.07, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.07. If an applicant for a certificate of delayed birth registration fails to submit the minimum documentation required for the delayed registration or if the Bureau of Vital Statistics Department of Health

and Human Services Finance and Support has reasonable cause to question the validity or adequacy of either the applicant's sworn statement or the documentary evidence due to conflicting evidence submitted and if the deficiencies are not corrected, the bureau department shall not issue and register a delayed certificate of birth and shall advise the applicant of the reasons for such action. The bureau department shall further advise the applicant of his or her right of appeal to the Director of Finance and Support and then, if not satisfied, to the county court as provided in section 71-617.08.

Sec. 147. Section 71-617.08, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.08. (1) If a delayed certificate of birth is denied by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support and the Director of Finance and Support, a petition signed and sworn to by the petitioner may be filed with the county court of Lancaster County, of the county of the petitioner's residence, or of the county in which the birth is claimed to have occurred.

(2) The petition shall be made on a form prescribed and furnished by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support and shall allege:

(a) That the person for whom a delayed certificate of birth is sought was born in this state;

(b) That no certificate of birth of such person can be found in the files or records of the Bureau of Vital Statistics Department of Health and Human Services Finance and Support;

(c) That diligent efforts by the petitioner have failed to obtain evidence required by sections 71-617.05 and 71-617.06 that is considered acceptable by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support;

(d) That the Bureau of Vital Statistics Department of Health and Human Services Finance and Support has refused to register a delayed certificate of birth; and

(e) Such other allegations as may be required.

Sec. 148. Section 71-617.09, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.09. A statement of the director of the Bureau of Vital Statistics and the Director of Finance and Support indicating why a delayed certificate of birth was not issued and registered and all documentary evidence which was submitted to the bureau Department of Health and Human Services Finance and Support in support of such registration shall accompany a petition filed under section 71-617.08.

Sec. 149. Section 71-617.10, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.10. The court shall fix a time and place for a hearing upon a petition filed under section 71-617.08 and shall give the Bureau of Vital Statistics Department of Health and Human Services Finance and Support ten calendar days' notice of such hearing. The director of the bureau, the Director of Finance and Support, or one of their his or her authorized representatives may appear and testify in the proceeding.

Sec. 150. Section 71-617.11, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.11. If the court finds from the evidence presented that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as to the place and date of birth, parentage, and such other findings as the case may require and shall issue an order on a form prescribed and furnished by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support to establish a certificate of birth. The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

Sec. 151. Section 71-617.12, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.12. The clerk of the court shall forward any order made under section 71-617.11 to the Bureau of Vital Statistics Department of Health and Human Services Finance and Support not later than the tenth day of the calendar month following the month in which it was entered. The order shall be registered by the bureau department and shall constitute the certificate of birth.

Sec. 152. Section 71-617.13, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.13. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall certify on a delayed registration of birth that no other record of the birth is on file with the bureau department.

Sec. 153. Section 71-617.14, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.14. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support may dismiss an application which has not been actively pursued by the applicant within one year after receipt and filing of the application by the bureau department. The application fee required by section 71-617.15 shall be returned by the bureau department to the applicant in such instance. After the passage of one year of inaction on the part of an applicant, submission of a new application shall be required, accompanied by the application fee required by section 71-617.15.

Sec. 154. Section 71-617.15, Reissue Revised Statutes of Nebraska, is amended to read:

71-617.15. The Department of Health and Human Services Finance and Support shall charge and collect a fee of (1) nine dollars until July 1, 1999, and (2) seven dollars on and after July 1, 1999, for each delayed birth certificate application when submitted. Upon request and payment of the fee required by section 71-612, a certified copy of such a certificate shall be furnished by the Director of Finance and Support, through the Bureau of Vital Statistics. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund as provided in section 71-612. The department shall charge and collect an additional fee of one dollar for each delayed birth certificate. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 155. Section 71-626, Reissue Revised Statutes of Nebraska, is amended to read:

71-626. (1) For each adoption of a Nebraska-born or foreign-born person decreed by any court of this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support. The report shall (a) include the original name, date, and place of birth and the name of the parent or parents of such person; (b) provide information necessary to establish a new certificate of birth of the person adopted; (c) provide the name and address of the child placement agency, if any, which placed the child for adoption; and (d) identify the decree of adoption and be certified by the clerk of the court.

(2) Information in the possession of the petitioner necessary to prepare the report of adoption shall be furnished with the petition for adoption by each petitioner or his or her attorney. The social or welfare agency or other person concerned shall supply the court with such additional information in his or her possession as may be necessary to complete the report. The supplying of such information shall be a prerequisite to the issuance of a decree.

(3) Whenever an adoption decree is amended or set aside, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

(4) Not later than the tenth day after the decree has been entered, the clerk of such court shall forward the report to the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support whenever an adoptive birth certificate is to be filed or has already been filed.

Sec. 156. Section 71-626.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-626.01. (1) The Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support shall establish a new certificate of birth for a person born in the State of Nebraska whenever it receives any of the following:

(a) A report of adoption as provided in section 71-626 on a form supplied by the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support or a certified copy of the decree of adoption together with the information required in such report, except that a new certificate of birth shall not be established if so requested in writing by the court decreeing the adoption, the adoptive parents, or the adopted person; or

(b) A report of adoption or a certified copy of the decree of adoption entered in a court of competent jurisdiction of any other state or nation declaring adopted a person born in the State of Nebraska, together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth, except that a new certificate of birth shall not be established when so requested by the court decreeing the

adoption, the adoptive parents, or the adopted person.

(2) The new certificate of birth for a person born in the State of Nebraska shall be on the form in use at the time of its preparation and shall include the following items in addition to such other information as may be necessary to complete the form:

- (a) The adoptive name of the person;
- (b) The names and personal particulars of the adoptive parents;
- (c) The date and place of birth as transcribed from the original certificate;
- (d) The name of the attendant, printed or typed;
- (e) The same birth number as was assigned to the original certificate; and
- (f) The original filing date.

The data necessary to locate the existing certificate and the data necessary to complete the new certificate shall be submitted to the ~~Bureau of Vital Statistics~~ Department of Health and Human Services Finance and Support.

(3) When an adoptive certificate of birth is established, the actual place of birth and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption shall not be subject to inspection except (a) upon order of a court of competent jurisdiction, (b) as provided in sections 43-138 to 43-140, (c) as provided in sections 43-146.11 to 43-146.13, or (d) as provided by rules and regulations of the Department of Health and Human Services Finance and Support. Upon receipt of notice that an adoption has been set aside, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction.

(4) Whenever a new certificate of birth is established by the ~~Bureau of Vital Statistics~~ of the Department of Health and Human Services Finance and Support, all copies of the original certificate of birth in the custody of any custodian of permanent local records in this state shall be sealed from inspection.

(5) The Department of Health and Human Services Finance and Support may adopt and promulgate such rules and regulations as are necessary and proper to assist it in the implementation and administration of section 71-626 and this section.

Sec. 157. Section 71-627, Reissue Revised Statutes of Nebraska, is amended to read:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of (1) nine dollars until July 1, 1999, and (2) seven dollars on and after July 1, 1999, charged for each certificate filed. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund as provided in section 71-612. Upon request and the payment of the fee prescribed by section 71-612, a certified copy of such a certificate may be furnished by the Director of Finance and Support, through the ~~Bureau of Vital Statistics~~. The department shall charge and collect an additional fee of one dollar for each certificate furnished. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 158. Section 71-627.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-627.01. Whenever a decree of adoption is entered in any court of competent jurisdiction in the State of Nebraska, as to a child born in another state, the judge of the court in which such decree is entered shall, on forms to be furnished by the Director of Finance and Support, through the ~~Bureau of Vital Statistics~~, notify the agency having authority to issue adoptive birth certificates in the state in which such child was born for the purpose of securing the issuance of an adoptive birth certificate from the state of birth.

Sec. 159. Section 71-627.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-627.02. Upon receipt of a Report of Adoption or a certified copy of a decree of adoption issued by any court of competent jurisdiction in the State of Nebraska as to any foreign-born person, the Director of Finance and Support through the ~~Bureau of Vital Statistics~~ shall prepare a birth certificate in the new name of the adopted person. The birth certificate shall show specifically (1) the new name of the adopted person, (2) the date of birth and sex of the adopted person, (3) statistical information concerning the adoptive parents in place of the natural parents, and (4) the true or probable place of birth including the city or town and country.

Sec. 160. Section 71-628, Reissue Revised Statutes of Nebraska, is

amended to read:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of such child's parents as provided in section 43-1406, the Bureau of Vital Statistics Department of Health and Human Services Finance and Support, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the parents acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births, and shall charge a filing fee of (1) nine dollars until July 1, 1999, and (2) seven dollars on and after July 1, 1999. The department shall charge and collect an additional fee of one dollar for each new certificate of birth prepared. The fees collected shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 161. Section 71-629, Reissue Revised Statutes of Nebraska, is amended to read:

71-629. A certified copy or copies of the certificate of birth of any such legitimized child may be furnished upon request by the Director of Finance and Support, ~~through the Bureau of Vital Statistics~~, but the evidence upon which the new certificate is made and the original certificate of birth shall be available for inspection only upon the order of a court of competent jurisdiction.

Sec. 162. Section 71-630, Reissue Revised Statutes of Nebraska, is amended to read:

71-630. (1) A birth or death certificate filed with the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support may be amended only in accordance with this section and sections 71-635 to 71-644 and rules and regulations adopted pursuant thereto by the Department of Health and Human Services Finance and Support department as necessary and proper to protect the integrity and accuracy of records of vital statistics.

(2) A certificate that is amended under this section shall have a properly dated reference placed on the face of the certificate and state that it is amended, except as provided in subsection (4) of this section.

(3) Upon receipt of a certified copy of a court order changing the name of a person born in this state and upon request of such person or his or her parent, guardian, or legal representative, the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support shall amend the certificate of birth to reflect the change in name.

(4) Upon request and receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents, the Bureau of Vital Statistics of the Department of Health and Human Services Finance and Support shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Such certificate shall not be marked amended.

Sec. 163. Section 71-636, Reissue Revised Statutes of Nebraska, is amended to read:

71-636. Amendment of obvious errors, of transposition of letters in words of common knowledge, or of omissions on birth certificates may be made by the Bureau of Vital Statistics Department of Health and Human Services Finance and Support within the first year after the date of the birth, either upon its own observation, upon query, or upon request of a person with a direct and tangible interest in the certificate. When such additions or minor amendments are made by the bureau department, a notation as to the source of the information together with the date the change was made and the initials of the authorized agent making the change shall be made on the reverse side of the certificate in such a way as not to become a part of the certificate. The certificate shall not be marked amended.

Sec. 164. Section 71-639, Reissue Revised Statutes of Nebraska, is amended to read:

71-639. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall evaluate all evidence submitted for amendments to vital records and when it finds reason to question its validity or adequacy it may reject the amendment and shall advise the applicant of the reasons for this action.

Sec. 165. Section 71-640.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-640.02. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support shall enter on the birth certificate of any child born out of wedlock the name of the father of the child upon receipt of (1) a certified copy of a court order showing that paternity has been established or a statement in writing by the father that he is the father of the child and (2) the written request of (a) the parent having legal custody

of the child or (b) the guardian or agency having legal custody of the child. The surname of the child shall be determined in accordance with section 71-640.03.

Sec. 166. Section 71-641, Reissue Revised Statutes of Nebraska, is amended to read:

71-641. (1) Until the registrant's seventh birthday, the given name, for a child whose birth was recorded without a given name, may be added based upon an affidavit signed by (a) both parents, (b) the mother in the case of a child born out of wedlock or the death or incapacity of the father, (c) the father in the case of the death or incapacity of the mother, or (d) the guardian or agency having legal custody of the registrant in the case of the death or incapacity of both parents. A certificate amended in this manner prior to the first birthday shall not be marked amended.

(2) After the seventh birthday, one or more items of documentary evidence must be submitted to substantiate the name being added.

(3) For a legal change of name, a certified copy of the court order changing the name must be presented to the Bureau of Vital Statistics Department of Health and Human Services Finance and Support along with data to identify the birth certificate and a request that it be amended to show the new name.

Sec. 167. Section 71-642, Reissue Revised Statutes of Nebraska, is amended to read:

71-642. All items in the medical certification or of a medical nature in a vital record may be amended only upon receipt of a signed statement from those responsible for completion of the entries involved. The Bureau of Vital Statistics Department of Health and Human Services Finance and Support may, at its discretion, require documentary evidence to substantiate the requested amendment.

Sec. 168. Section 71-649, Reissue Revised Statutes of Nebraska, is amended to read:

71-649. (1) Any person who (a) willfully and knowingly makes any false statement in a certificate, record, or report required to be filed pursuant to sections 71-601 to 71-648, in an application for an amendment thereof, or in an application for a certified copy of a vital record or willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, certificate, or amendment thereof; (b) without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed pursuant to such sections or a certified copy of such certificate, record, or report; (c) willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; (d) with the intention to deceive, willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; (e) willfully and knowingly furnishes or possesses a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or (f) without lawful authority possesses any certificate, record, or report required by such sections or a copy or certified copy of such certificate, record, or report knowing the same to have been stolen or otherwise unlawfully obtained shall be guilty of a Class IV felony.

(2) Any person who (a) willfully and knowingly refuses to provide information required by such sections or rules and regulations adopted under this section and section 71-640.01 or (b) willfully and knowingly neglects or violates any of the provisions of sections 71-601 to 71-648 or refuses to perform any of the duties imposed upon him or her under such sections shall be guilty of a Class I misdemeanor.

(3) The Department of Health and Human Services Finance and Support Regulation and Insurance may include on any appropriate certificate or document a statement warning of the consequences for any violation of this section.

Sec. 169. Section 71-1405, Reissue Revised Statutes of Nebraska, is amended to read:

71-1405. Within thirty days after the date of the birth of any child born in this state with visible congenital deformities, the physician, midwife, or person acting as midwife, who shall be in attendance upon such

birth, shall prepare and file with the Bureau of Vital Statistics through the Department of Health and Human Services Finance and Support, a statement setting forth such visible congenital deformity. The form of such statement shall be prepared by the ~~director~~ Director of Finance and Support, and shall be a part of the birth report furnished by the Bureau of Vital Statistics department.

Sec. 170. Section 71-1536, Reissue Revised Statutes of Nebraska, is amended to read:

71-1536. (1) In the operation or management of housing projects or other shelter, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need;

(b) There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, marital status, religion, color, creed, national origin, or ancestry;

(c) The authority shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the authority determines, which determination shall be conclusive, to be necessary in order to enable such persons to secure safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living for themselves;

(d) An authority may rent or lease to a tenant a dwelling consisting of a number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding;

(e) An authority shall fix income limits for occupancy and rents after taking into consideration (i) the family size, composition, age, physical handicaps, and other factors which might affect the rent-paying ability of the person and (ii) the economic factors which affect the financial stability and the solvency of the project;

(f) An authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as a tenant or tenants of the authority for more than a period of six months unless such persons also qualify as persons of low income or elderly or handicapped persons of low income;

(g) All persons of low income, elderly or handicapped persons of low income, or displaced persons in need shall be entitled to the benefits of the Nebraska Housing Authorities Law, and the authority may adopt and promulgate rules and regulations consistent with the purposes of the law concerning eligibility and occupancy of any housing project or other such shelter;

(h) Nothing in the Nebraska Housing Authorities Law shall prohibit the right of an authority to inquire into the financial condition, family composition, and medical, personal, and employment history of any tenant or prospective tenant; and

(i) The authority shall prohibit subletting by tenants.

(2) Nothing contained in subsection (1) of this section or section 71-1535 shall be construed as limiting the power of an authority with respect to the housing project to vest in an obligee the right in the event of default by the authority to take possession of a housing project or to cause the appointment of a receiver thereof, or to acquire title thereto, through foreclosure proceedings, free from all restrictions imposed by subsection (1) of this section or section 71-1535.

(3) Nothing contained in the Nebraska Housing Authorities Law shall be construed as limiting the power of an authority of a city of the primary class to rent real property acquired from the federal government which is not, in the determination of such authority, by reason of its cost or the nature of its construction, suitable for low-income housing, to such tenants for such rentals as the authority shall determine reasonable, based upon the cost and the nature of the construction of the property, until such time as the property is adapted to low-income housing or disposed of by such authority.

(4) An authority may adopt and promulgate from time to time rules and regulations consistent with federal and state laws, rules, and regulations and the purposes of the Nebraska Housing Authorities Law concerning the termination of tenancy. Any tenant so terminated shall be sent a written notice of termination setting out the reasons for such termination, and any tenant served with a notice shall be given the opportunity to contest the termination in an appropriate hearing by the authority if required by state or federal law. A tenant may contest the termination in any suit filed by the authority in any court for recovery of possession of the premises. Such notice may provide that if the tenant fails to pay his or her rent or comply

with any covenant or condition of his or her lease, or the rules and regulations of such authority, or cure a violation or default thereof, as the case may be, as specified in such notice, or follow the procedure for a hearing as set forth in the notice, all within the time or times set forth in such notice, the tenancy shall then be automatically terminated and no other notice or notices need be given of such termination or the intent to terminate the tenancy, and upon such termination, and without any notice other than as provided for in this subsection, an authority may file suit against any tenant for recovery of possession of the premises and may recover the same as provided by law. If a tenant has created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or authority employees, an authority may, after three days' written notice of termination and without a hearing, file suit against any such tenant for recovery of possession of the premises. The tenant shall be given the opportunity to contest the termination in the court proceedings. A serious and clear danger to the health or safety of other tenants or authority employees shall include, but not be limited to, any of the following activities of the tenant or of any other person on the premises with the consent of the tenant: (a) Physical assault or the threat of physical assault; (b) illegal use of a firearm or other weapon or the threat to use an illegal firearm or other weapon; or (c) possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant if the tenant knew or should have known of the possession by such other person of a controlled substance, unless such controlled substance was obtained directly from or pursuant to a valid prescription or order by a practitioner as defined in subdivision (21) of section 28-401 while acting in the course of his or her professional practice.

(5) An authority may adopt and promulgate from time to time rules and regulations consistent with the purposes of the Nebraska Housing Authorities Law concerning personal property of tenants and other persons located in projects of the authority, and if such personal property is not removed from a dwelling unit at the time of the termination of the lease, at the time of vacation or abandonment of the dwelling unit, or at the time of the death of any tenant, an authority may remove the same and store such property at the tenant's risk and expense. In the event that possession of such personal property is not taken by the tenant or other person authorized by law to take possession within forty-five days after such termination, vacation, or abandonment, and any storage removal charges remain unpaid, then the authority may, at its option, dispose of the personal property in any manner which the authority deems fit, except that any proceeds from the disposal of such personal property shall be paid to the general fund of the body which created the authority. No tenant or other person shall have any cause of action against the authority for such removal or disposition of such personal property.

Sec. 171. Section 71-1901, Reissue Revised Statutes of Nebraska, is amended to read:

71-1901. For purposes of sections 71-1901 to 71-1906.02:

(1) Person shall include a partnership, limited liability company, firm, agency, association, or corporation;

(2) Child shall mean an unemancipated minor;

(3) Department shall mean the Department of Health and Human Services; Regulation and Licensure;

(4) Foster care shall mean engaged in the service of exercising twenty-four-hour daily care, supervision, custody, or control over children, for compensation or hire, in lieu of the care or supervision normally exercised by parents in their own home. Foster care shall not include casual care at irregular intervals or programs as defined in section 71-1910; and

(5) Native American shall mean a person who is a member of an Indian tribe or eligible for membership in an Indian tribe.

Sec. 172. Section 71-1903, Reissue Revised Statutes of Nebraska, is amended to read:

71-1903. (1) Before issuance of a license under sections 71-1901 to 71-1906.02, the department shall cause such investigation to be made as it deems necessary to determine if the character of the applicant, any member of the applicant's household, or the person in charge of the service and the place where the foster care is to be furnished are such as to ensure the proper care and treatment of children. The department may investigate the character of prospective or existing licensees, any member of such licensee's household, and the staff and employees of foster care facilities by making a national criminal history record information check. The department may request the State Fire Marshal to inspect such places for fire safety pursuant to section 81-502. The State Fire Marshal shall assess a fee for such

inspection pursuant to section 81-505.01, payable by the licensee or applicant for a license, except that the department may pay the fee for inspection for fire safety of foster family homes as defined in section 71-1902. The ~~department~~ Department of Health and Human Services Regulation and Licensure may request the Department of Health and Human Services Regulation and Licensure to conduct inspect such places to determine if they meet sanitation and health standards set by the department for the care and protection of such children investigations pursuant to subsection (2) of this section. The authority to make such investigations may be delegated to qualified local fire prevention personnel pursuant to section 81-502 or to qualified local environmental health personnel by the Department of Health and Human Services Regulation and Licensure. The Department of Health and Human Services Regulation and Licensure may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing foster care to see that such service is being properly conducted.

(2) The Department of Health and Human Services Regulation and Licensure shall make an investigation and report to the Department of Health and Human Services, within thirty days after receipt of the request from the Department of Health and Human Services, of all facilities and programs of licensed providers of foster care programs subject to this section or applicants for licenses to provide such programs to determine if the place or places to be covered by such licenses meet standards of health and sanitation set by the Department of Health and Human Services for the care and protection of the child or children who may be placed in such facilities and programs. The Department of Health and Human Services Regulation and Licensure may delegate the investigation authority to qualified local environmental health personnel.

Sec. 173. Section 71-1906.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1906.02. An advisory committee is established which shall be made up of Native Americans knowledgeable in Indian child welfare matters jointly appointed by the executive director of the Commission on Indian Affairs and the Director of Regulation and Licensure Health and Human Services. The advisory committee shall advise the department and the commission on the development of the appropriate standards for the licensing of Native American foster homes located outside the boundaries of any Indian reservation.

Sec. 174. Section 71-1907, Reissue Revised Statutes of Nebraska, is amended to read:

71-1907. Any person furnishing foster care who is subject to licensure under section 71-1902, when transporting in a motor vehicle any children for whom care is being furnished, shall use an approved child passenger restraint system for each child, except that an occupant protection system as defined in section 60-6,265 may be used for any child weighing forty or more pounds or four years of age or more.

Any person violating this section shall be guilty of an infraction as defined in section 29-431 and shall have his or her license to furnish foster care revoked or suspended by the Department of Health and Human Services, Regulation and Licensure.

For purposes of this section, approved child passenger restraint system shall mean a restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 17, 1982.

Sec. 175. Section 71-1909, Reissue Revised Statutes of Nebraska, is amended to read:

71-1909. (1) The purposes of sections 71-1908 to 71-1917 are to provide:

(a) Statewide licensing of providers of child care programs; and
(b) The Department of Health and Human Services Regulation and Licensure with authority to coordinate the imposition of standards on providers of programs.

(2) It is the intent of the Legislature that the licensing and regulation of programs under such sections exist for the protection of children and to assist parents in making informed decisions concerning enrollment and care of their children in such programs.

Sec. 176. Section 71-1910, Reissue Revised Statutes of Nebraska, is amended to read:

71-1910. For purposes of sections 71-1908 to 71-1917, unless the context otherwise requires:

(1) Department shall mean the Department of Health and Human Services, Regulation and Licensure.

(2) Director shall mean the Director of Regulation and Licensure

Health and Human Services; and

(3) Program shall mean the provision of services in lieu of parental supervision for children under thirteen years of age for compensation, either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and shall include any employer-sponsored child care, family child care home, child care center, school-age child care program, school-age services pursuant to section 79-1104, or preschool or nursery school. Program shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than child care or a preschool or nursery school, a preschool program conducted in a school approved pursuant to section 79-318, or foster care as defined in section 71-1901. The State Board of Education may adopt and promulgate rules and regulations which shall apply to any program and any school-age-care program operated or contracted by a public school district.

Sec. 177. Section 71-1913, Reissue Revised Statutes of Nebraska, is amended to read:

71-1913. (1) The department may request the State Fire Marshal to inspect any program for fire safety pursuant to section 81-502 and may request the Department of Health and Human Services Regulation and Licensure to conduct inspect any program to determine if it meets sanitation and physical well-being standards investigations of the department for the care and protection of the children pursuant to section 71-901 subsection (2) of this section. The authority may be delegated to qualified local fire prevention personnel pursuant to section 81-502 or to qualified local environmental health personnel by the Department of Health and Human Services Regulation and Licensure. The State Fire Marshal or the Director of Regulation and Licensure shall immediately notify the Department of Health and Human Services Regulation and Licensure whenever he or she delegates authority for such inspections.

(2) The Department of Health and Human Services Regulation and Licensure shall make an investigation within thirty days of all facilities and programs of licensed providers of child care programs as defined in section 71-1910 or applicants for licenses to provide such programs to determine if the place or places to be covered by such licenses meet standards of sanitation and physical well-being set by the Department of Health and Human Services for the care and protection of the child or children who may be placed in such facilities and programs. The Department of Health and Human Services Regulation and Licensure may delegate this authority to qualified local environmental health personnel.

Sec. 178. Section 71-1913.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1913.02. (1) The Department of Health and Human Services Regulation and Licensure shall perform annually a random audit of the reports submitted under section 71-1913.01 to check for compliance with such section on an annual basis and such other audits and inspections as are necessary to prevent the introduction or spread of disease. Audit results shall be reported to the Department of Health and Human Services.

(2) If the Department of Health and Human Services Regulation and Licensure discovers noncompliance with section 71-1913.01, the Department of Health and Human Services Regulation and Licensure shall allow a noncomplying program thirty days to correct deficiencies. If deficiencies are not corrected, the Department of Health and Human Services Regulation and Licensure shall notify the Department of Health and Human Services in writing within five working days. The Department of Health and Human Services Regulation and Licensure shall notify the Department of Health and Human Services Regulation and Licensure of any action taken as a result of such report or any failure to correct deficiencies.

(3) The Department of Health and Human Services Regulation and Licensure shall develop and provide educational and other materials to programs and the public as may be necessary to implement section 71-1913.01.

Sec. 179. Section 71-2003, Reissue Revised Statutes of Nebraska, is amended to read:

71-2003. There is hereby established in the Department of Health and Human Services Regulation and Licensure a section of Hospital and Medical Facilities which shall be administered by a full-time salaried assistant director under the supervision and direction of the director. The Department of Health and Human Services Regulation and Licensure, through such section, shall constitute the sole agency of the state for the purpose of (1) making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in section 71-2007, and (2) developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in sections

71-2008 to 71-2016.

Sec. 180. Section 71-2097, Reissue Revised Statutes of Nebraska, is amended to read:

71-2097. For purposes of sections 71-2097 to 71-20,101:

(1) Civil penalties include any remedies required under federal law and include the imposition of monetary penalties;

(2) Federal regulations for participation in the medicaid program means the regulations found in 42 C.F.R. ~~part parts~~ 442 and 483, as amended, for participation in the medicaid program under Title XIX of the federal Social Security Act, as amended; and

(3) Nursing facility means any skilled nursing facility or intermediate care facility, as defined in section 71-2017.01, which receives federal and state funds under Title XIX of the federal Social Security Act, as amended.

Sec. 181. Section 71-2098, Reissue Revised Statutes of Nebraska, is amended to read:

71-2098. (1) The Department of ~~Social Services~~ Health and Human Services Finance and Support may assess, enforce, and collect civil penalties against a nursing facility which the Department of ~~Health and Human Services Regulation and Licensure~~ Health and Human Services Regulation and Licensure has found in violation of federal regulations for participation in the medicaid program pursuant to the authority granted to the Department of ~~Health and Human Services Regulation and Licensure~~ Health and Human Services Regulation and Licensure under section 81-604.03.

(2) If the Department of ~~Social Services Health and Human Services Regulation and Licensure~~ Health and Human Services Regulation and Licensure finds that a violation is life threatening to one or more residents or creates a direct threat of serious adverse harm to one or more residents, a civil penalty shall be imposed for each day the deficiencies which constitute the violation exist. The ~~Department of Health and Human Services Finance and Support~~ Department of Health and Human Services Finance and Support may assess an appropriate civil penalty for other violations based on the nature of the violation. Any monetary penalty assessed shall not be less than fifty dollars nor more than ten thousand dollars for each day the facility is found to be in violation of such federal regulations. Monetary penalties assessed shall include interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

Sec. 182. Section 71-2099, Reissue Revised Statutes of Nebraska, is amended to read:

71-2099. The Department of ~~Social Services Health and Human Services Finance and Support~~ Health and Human Services Finance and Support shall adopt criteria for determining the type and amount of the civil penalty assessed under section 71-2098. Such criteria shall include, but need not be limited to, consideration of the following factors:

- (1) The period of time over which the violation occurred;
- (2) The frequency of the violation;
- (3) The nursing facility's history concerning the type of violation for which the civil penalty is assessed;
- (4) The nursing facility's intent or reason for the violation;
- (5) The effect, if any, of the violation on the health, safety, security, or welfare of the residents;
- (6) The existence of other violations, in combination with the violation for which the civil penalty is assessed, which increase the threat to the health, safety, security, rights, or welfare of the residents;
- (7) The accuracy, thoroughness, and availability of records regarding the violation, which the nursing facility is required to maintain; and
- (8) The number of additional related violations occurring within the same time span as the violation in question.

Sec. 183. Section 71-20,100, Reissue Revised Statutes of Nebraska, is amended to read:

71-20,100. (1) The Nursing Facility Penalty Cash Fund is created. Monetary penalties collected by the Department of ~~Social Services Health and Human Services Finance and Support~~ Health and Human Services Finance and Support pursuant to section 71-2098 shall be remitted to the State Treasurer for credit to such fund. The state investment officer shall invest any money in the fund available for investment pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The Department of ~~Social Services Health and Human Services Finance and Support~~ Health and Human Services Finance and Support shall adopt and promulgate rules and regulations which establish circumstances under which the department may distribute funds from the Nursing Facility Penalty Cash Fund to protect the health or property of individuals residing in nursing facilities which the Department of ~~Health and Human Services Regulation and Licensure~~ Health and Human Services Regulation and Licensure has found in violation of federal

regulations for participation in the medicaid program. Circumstances considered as a basis for distribution from the fund include paying costs to:

- (a) Relocate residents to other facilities;
- (b) Maintain the operation of a nursing facility pending correction of violations;
- (c) Close a nursing facility; and
- (d) Reimburse residents for personal funds lost.

Sec. 184. Section 71-20,101, Reissue Revised Statutes of Nebraska, is amended to read:

71-20,101. The Department of Social Services Health and Human Services Finance and Support shall adopt and promulgate rules and regulations to carry out sections 71-2097 to 71-20,101, including rules and regulations for notice and appeal procedures.

Sec. 185. Section 71-20,103, Reissue Revised Statutes of Nebraska, is amended to read:

71-20,103. For purposes of the Nonprofit Hospital Sale Act:

(1) Department means the Department of Health and Human Services Regulation and Licensure;

(2) Hospital has the definition found in subdivision (3) of section 71-2017.01;

(3) Acquisition means any acquisition by a person or persons of an ownership or controlling interest in a hospital, whether by purchase, merger, lease, gift, or otherwise, which results in a change of ownership or control of twenty percent or greater or which results in the acquiring person or persons holding a fifty percent or greater interest in the ownership or control of a hospital, but acquisition does not include the acquisition of an ownership or controlling interest in a hospital owned by a nonprofit corporation if the transferee (a) is a nonprofit corporation having a substantially similar charitable health care purpose as the transferor or is a governmental entity, (b) is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or as a governmental entity, and (c) will maintain representation from the affected community on the local board; and

(4) Person has the meaning found in section 71-5822.

Sec. 186. Section 71-2610.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-2610.01. (1) The State Board of Health shall have the power and duty to:

(a) Adopt and promulgate rules and regulations for the government of the Bureau of Examining Boards of professions and occupations licensed, certified, registered, or issued permits by the Department of Health and Human Services Regulation and Licensure, including rules and regulations necessary to implement laws enforced by the department. These professions and occupations include, but are not limited to, the Advanced Registered Nurse Practitioner Act, the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-102, 71-3702 to 71-3715, 71-4701 to 71-4719, and 71-6053 to 71-6068; through the bureau; and

(b) Determine the policies of the bureau department concerning the professions and occupations listed in this section.

(2) All funds rendered available by law may be used by the board in administering and effecting such purposes.

Sec. 187. Section 71-3406, Reissue Revised Statutes of Nebraska, is amended to read:

71-3406. The Director of Regulation and Licensure shall appoint a minimum of eight and a maximum of twelve members to the State Child Death Review Team. The core members shall be (1) the director of maternal and child health of the Department of Health and Human Services a physician employed by the departments, as departments is defined in section 81-3003, who shall be a permanent member and shall serve as the chairperson of the team. (2) a senior staff member of the with child protective services division of the Department of Health and Human Services, (3) a forensic pathologist, (4) a law enforcement representative, and (5) an attorney. The core members shall meet on a monthly basis. The remaining members appointed may be, but shall not be limited to, the following: A county attorney; a Federal Bureau of Investigation agent responsible for investigations on Native American reservations; a social worker; and members of organizations which represent hospitals or physicians. Members shall serve four-year terms with the exception of the director of maternal and child health who shall be a

permanent member. The director of maternal and child health shall serve as the chairperson of the team, and in his or her absence, chairperson. In the absence of the chairperson, the Director of Regulation and Licensure may appoint another member of the core team to serve as chairperson. The team shall not be considered a public body for purposes of sections 84-1408 to 84-1414. The team shall meet a minimum of four times a year. Members of the team shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 188. Section 71-3708, Reissue Revised Statutes of Nebraska, is amended to read:

71-3708. (1) The members of the board shall organize as soon as appointed and, annually thereafter in the month of April, shall elect from their number a chairperson, a vice-chairperson, and a secretary. The secretary shall continue in office at the pleasure of the board.

(2) The board shall make such rules as are necessary to carry out sections 71-3702 to 71-3715.

(3) The board shall hold at least one meeting each year to review and evaluate applications for registration as environmental health specialists or trainees, conduct examinations, review and approve all bills, prepare and approve reports, and transact all other business as may be necessary to carry out sections 71-3702 to 71-3715. Only board members shall be entitled to vote at board meetings.

(4) The board shall issue certificates of registration to applicants who have been found qualified as environmental health specialists or trainees, to which certificate the official seal of the board has been affixed.

(5) Four members of the board shall constitute a quorum, and special meetings of the board shall be called by the secretary upon written request of any two members of the board or upon a written request signed by ten registered environmental health specialists.

(6) All board meetings shall be open to any registered environmental health specialist.

(7) The secretary of the board shall transmit any and all funds received by the board to the Department of Health and Human Services Regulation and Licensure, ~~Bureau of Examining Boards~~. Such funds shall be remitted to the State Treasurer and by him or her credited for credit to the Board of Registration for Environmental Health Specialists Fund, which fund is hereby created. All expenses of the board shall be paid from the fund by voucher signed by the chief of the Bureau of Examining Boards, and no part of the General Fund shall be expended for this purpose. Any money in the Board of Registration for Environmental Health Specialists 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.

(8) Funds collected under sections 71-3702 to 71-3715 shall be used to pay expenses. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including authorized compensation and clerical help, and any expenses incident to the administration of such sections relating to other states shall be paid out of such funds. Any surplus at the end of the fiscal year or biennium shall be retained by the board for future expenditures.

(9) The board shall receive all registration renewal funds above the necessary operating expenses incurred by the Department of Health and Human Services Regulation and Licensure, ~~Bureau of Examining Boards~~, for annual renewal of registration.

Sec. 189. Section 71-3710, Reissue Revised Statutes of Nebraska, is amended to read:

71-3710. (1) The board shall prescribe and provide an application form for the use of all applicants. Applicants for registration as environmental health specialists shall submit a fee of ten dollars and applicants for registration as trainees shall submit a fee of five dollars at the time of making application for registration. Such fees shall not be refundable. The board may also assess an additional fee for the cost of the examination when necessary.

A registered environmental health specialist may renew his or her registration by paying the board a biennial renewal fee of not less than thirty dollars nor more than three hundred fifty dollars as the board shall direct. Such fee shall be due and payable on or before January 1, 1987, and on January 1 of each odd-numbered year for which a renewal registration is issued. All registrations shall expire on December 31 of each even-numbered year. Procedures for renewal and for assessment of additional fees for late renewal or reinstatement shall be in accordance with section 71-110.

In no case shall registration for a trainee exceed a two-year period.

(2) Each registered environmental health specialist or trainee in active practice in the state shall be required on or before December 31 of each even-numbered year to attend twenty-four hours biennially of such approved scientific schools, clinics, forums, lectures, or environmental health specialist educational seminars, as may be announced and approved by the Director of the Bureau of Examining Boards Regulation and Licensure under direction from the board, as a prerequisite for the registrant's next subsequent biennial registration renewal. At least twelve hours of such educational program shall be conducted annually within the State of Nebraska.

Each registered environmental health specialist and trainee in active practice within the State of Nebraska shall, on or before December 31 of each even-numbered year, certify to the Director of the Bureau of Examining Boards department that he or she has complied with this subsection during the preceding two-year period. The Director of the Bureau of Examining Boards director shall, on or before December 31 of each even-numbered year, report all registrants who have complied with the educational requirements to the board. Any registrant who has not complied with such requirements shall not be issued a renewal registration except if he or she is exempt as provided in subsection (3) of this section. Procedures for nonrenewal of the registration of such registrants shall be identical to those for nonpayment of renewal fees as provided in sections 71-110 and 71-149. In cases other than nonrenewal, the procedures in sections 71-149 and 71-150 for refusal to renew shall apply. Additional fees for late renewal shall be assessed in accordance with section 71-110.

(3) A registrant shall be exempt from the requirements of subsection (2) of this section if he or she:

(a) Holds a Nebraska certificate of registration but is not practicing as a registered environmental health specialist or registered trainee in Nebraska;

(b) Serves in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(c) Attends a college, university, or other institution of higher education for a residence period of time in excess of eight months during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(d) Submits proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her attendance at any qualified educational seminar within the State of Nebraska during the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(e) Had first registered within the twenty-four months immediately preceding the biennial certificate of registration renewal date; or

(f) Is a registered environmental health specialist in good standing with the board who has completely retired from the active practice of environmental sanitation.

Sec. 190. Section 71-5509, Reissue Revised Statutes of Nebraska, is amended to read:

71-5509. With the approval of the department and the board, as evidenced by a certificate from the Bureau of Examining Boards of the department specifying the same, emergency medical technicians-D, emergency medical technicians-intermediate, emergency medical technician-paramedics, and field supervisors may render advanced emergency medical care, rescue, and resuscitation services within the limits of their respective certifications as described in sections 71-5502 and 71-5520. A trainee currently enrolled in an approved training program may render, under direct supervision of a field supervisor, advanced emergency medical care, rescue, and resuscitation services in accordance with criteria established by the approved training program and approved by the department and the board.

Sec. 191. Section 71-5514, Reissue Revised Statutes of Nebraska, is amended to read:

71-5514. (1) The Bureau of Examining Boards of the department shall issue a certificate to graduates of approved training programs who meet the standards developed by the department and approved by the board upon application of a person. Any emergency medical technician-D, emergency medical technician-intermediate, emergency medical technician-paramedic, or field supervisor who is duly certified, as evidenced by possession of a valid certificate, and who renders advanced emergency medical care within the limits of his or her certification shall not be construed to be engaged in the unauthorized practice of medicine.

(2) The Bureau of Examining Boards department shall issue a certificate as a field supervisor to any person making application, as

prescribed by the department, who is:

(a) An emergency medical technician-intermediate holding a current Nebraska certificate as such who meets one of the following requirements:

(i) A minimum of three years of field experience in advanced life support and a minimum of fifteen such runs a year; or

(ii) One year of experience in advanced life support and a minimum of forty-five runs in that year;

(b) An emergency medical technician-paramedic holding a current Nebraska certificate who is certified as an advanced cardiac life-support instructor or provider by a national organization which has procedures for certifying such instructors and who meets one of the following requirements:

(i) A minimum of three years of field experience in advanced life support and a minimum of fifteen such runs a year; or

(ii) One year of experience in advanced life support and a minimum of forty-five runs in that year;

(c) A registered nurse currently licensed in Nebraska who has successfully passed the National Registry Paramedic examination, who is certified as an advanced cardiac life-support instructor or provider by a national organization which has procedures for certifying such instructors, and who has at least one year of experience in critical care or emergency room nursing;

(d) A physician assistant, under the supervision of a physician, who is currently licensed in Nebraska, is certified as an advanced cardiac life-support instructor or provider by a national organization which has procedures for certifying such instructors, and has at least one year of experience in emergency or critical care; or

(e) An approved licensed physician.

Sec. 192. Section 71-5515.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5515.01. (1) The Bureau of Examining Boards of the department may issue a certificate as an emergency medical technician-D, emergency medical technician-intermediate, or emergency medical technician-paramedic without examination to any person who holds a current certificate or license as an emergency medical technician-D, emergency medical technician-intermediate, or emergency medical technician-paramedic, or its equivalent, from another jurisdiction if the department, with the concurrence of the board, finds that the standards for certification or licensure in such other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is a person who has been in the active practice of advanced emergency medical care in some other state or territory or the District of Columbia as established by the certificate of the proper certification or licensure authority of the state, territory, or District of Columbia certifying that the applicant is duly certified or licensed, that his or her license or certificate has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following: (a) The state, territory, or District of Columbia from which the applicant comes has and maintains standards regulating advanced emergency medical care substantially equivalent to those maintained by Nebraska; (b) his or her certificate or license was based upon examination and the grades given at such examination; (c) the date of his or her certificate or license; (d) he or she has been actively engaged in the practice under such certificate or license since it was issued or, if not so engaged, the time periods he or she was out of practice; (e) good moral character and standing as a practitioner, which may be evidenced by affidavits of at least two licensed physicians from the state, territory, or District of Columbia from which the applicant comes testifying to such character and standing; and (f) the applicant has been in the active and continuous practice under such certificate or license for at least one year out of the three immediately preceding his or her application or the applicant has completed his or her training, has passed the National Registry of Emergency Medical Technicians examination, and has made application to practice in Nebraska within six months of successful passage of the examination which includes both the written and practical portions of such examination.

(2) An education or training program located outside of Nebraska shall be considered to be substantially equivalent to an approved training program in Nebraska and shall be considered to be an approved training program by the board if it meets the following criteria:

(a) The program is approved by the advanced emergency medical care certifying agency of the jurisdiction within which it is located;

(b) The program curriculum is substantially equivalent to that required of an approved training program in Nebraska; and

(c) The number of hours of classroom, clinical, and field training required by the program meets the minimum requirements in each category of an approved training program in Nebraska.

(3) A person who attends but does not complete an education or training program in advanced emergency medical care outside of Nebraska may receive credit at an approved training program for work satisfactorily completed if the program attended meets the criteria set forth in subsection (2) of this section and the education or training was begun not more than two years prior to the date of application to an approved training program in Nebraska.

(4) The department may recognize as evidence of examination the results of written or practical examinations or both in advanced emergency medical care conducted anywhere in the United States or its possessions by the National Registry of Emergency Medical Technicians or by any other similar national body approved by the board.

(5) The department, with the approval of the board, may adopt and promulgate rules and regulations governing the procedures and requirements for applications for examination and certification in any of the categories of certification covered by the Emergency Medical Technician-Paramedic Act.

Sec. 193. Section 71-6043, Reissue Revised Statutes of Nebraska, is amended to read:

71-6043. As used in sections 71-2024 and 71-6043 to 71-6052, unless the context otherwise requires:

(1) Council shall mean the Nursing Home Advisory Council as established by sections 71-2024 and 71-6043 to 71-6052;

(2) Department shall mean the Department of Health and Human Services Regulation and Licensure, and the section of Hospitals and Medical Facilities thereof; and

(3) Nursing home shall mean a home for the aged or infirm as provided in sections 71-2017 to 71-2029.

Sec. 194. Section 71-6048, Reissue Revised Statutes of Nebraska, is amended to read:

71-6048. The council shall meet at least once during each calendar year and upon call of its ~~chairman~~ chairperson or at the written request of a majority of its members. The council shall annually elect one of its members as ~~chairman~~ chairperson and one of its members as secretary. The Director of Regulation and Licensure or his or her designee shall represent the department at all meetings. The director of the section of Hospitals and Medical Facilities or one of his principal deputies or assistants shall attend all meetings of the council.

Sec. 195. Section 71-6059, Reissue Revised Statutes of Nebraska, is amended to read:

71-6059. Every license shall be in the form of a certificate under the name and seal of the department and signed by the chairperson, the vice-chairperson, and the secretary of the board, and the ~~Director of the Bureau of Examining Boards~~ Director of Regulation and Licensure or his or her designee. A copy of all licenses shall be retained in the department and shall be given the same number as has been assigned to the licensee in the other records of the department. Every licensed nursing home administrator shall keep such license displayed in the office or in the place where he or she practices.

Sec. 196. Section 71-6066, Reissue Revised Statutes of Nebraska, is amended to read:

71-6066. The board shall elect from its appointed members a chairperson, vice-chairperson, and such other officers as it deems necessary. The members of the board who are not officers or employees of the State of Nebraska shall, in addition to necessary travel and lodging expenses, receive a per diem for each day actually engaged in the discharge of their duties, including compensation for the time spent in traveling to and from the place of conducting the examination and, with the exception of board members who are laypersons, for a reasonable number of days for the preparation of examination questions and the reading of the answer papers, in addition to the time actually spent in conducting the examination. Traveling and lodging expenses shall be reimbursed as provided in sections 81-1174 to 81-1177, ~~for state employees~~. The compensation per day shall not exceed thirty dollars and shall be determined by the board. All expenses of the board and in the administration of sections 71-6053 to 71-6068 shall be paid from the Board of Examiners in Nursing Home Administration Fund, ~~by voucher signed by the Director of the Bureau of Examining Boards~~. The board shall receive all license renewal funds above the necessary operating expenses incurred by the ~~Bureau of Examining Boards~~ department for renewal of licensure. Any surplus in funds at the end of the biennium shall be retained by the board for future

expenditures. Expenses of members who are in the employ of the state shall be paid from the appropriation to their respective departments.

Sec. 197. Section 71-7804, Reissue Revised Statutes of Nebraska, is amended to read:

71-7804. Any organization or agency may file a written application with the Department of Health and Human Services Regulation and Licensure for licensure as a hospice. The application shall be filed on a form prescribed by the department and shall be accompanied by a license fee fixed by rules and regulations of the department.

Sec. 198. Section 71-7806, Reissue Revised Statutes of Nebraska, is amended to read:

71-7806. (1) The Department of Health and Human Services Regulation and Licensure may adopt and promulgate rules and regulations to carry out the Hospice Licensure Act. The rules and regulations shall be initially adopted within one year after July 19, 1996. The rules and regulations shall apply to all organizations and agencies providing hospice care.

(2) The department shall fix, charge, and collect license fees and license renewal fees. The fees shall not be less than one hundred dollars or more than two hundred fifty dollars.

Sec. 199. Section 77-27,160, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,160. It is the intent of the Legislature to establish and maintain a procedure to set off against a debtor's income tax refund or state lottery prize any debt which is assigned to the Department of Health and Human Services Finance and Support or which any individual not eligible as a public assistance recipient is attempting to collect, which has accrued through written contract, subrogation, or court judgment and is in the form of a liquidated amount due and owing for the care, support, or maintenance of a child or for spousal support.

Sec. 200. Section 77-27,161, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,161. For purposes of sections 77-27,160 to 77-27,173, unless the context otherwise requires:

(1) Debt shall mean any liquidated amount due and owing any claimant which has accrued through assignment, contract, subrogation, court judgment, or operation of law, regardless of whether there is an outstanding judgment for such amount, and which is for the care, support, or maintenance of a child or for spousal support and shall include the costs of health services subject to section 77-27,163.01;

(2) Debtor shall mean any individual owing money to or having a delinquent account with any claimant which has not been satisfied by court order, set aside by court order, or discharged in bankruptcy;

(3) Claimant shall mean:

(a) The Department of Health and Human Services Finance and Support with respect to collection of a debt owed by a parent in a case involving a recipient of aid to dependent children in which rights to child, spousal, or medical support payments have been assigned to this state;

(b) An individual who is not eligible as a public assistance recipient and to whom a child, spousal, or medical support debt is owed; or

(c) Any person or entity entitled to receive child support, spousal support, or medical support as defined in section 43-1712.01 pursuant to an order issued by a court or agency of another state or jurisdiction, including an agency of another state or jurisdiction to which a person has assigned his or her right to receive such support. Such a claimant shall submit certification and documentation sufficient to satisfy the requirements of section 43-1730;

(4) Refund shall mean any Nebraska state income tax refund which the Department of Revenue determines to be due an individual taxpayer. In the case of a joint income tax return, it is presumed that each partner to the marriage submitting such return contributed one-half of the earnings upon which the refund is based. The presumption may be contested by the state, the delinquent taxpayer, and the innocent spouse by virtue of the hearing process prescribed in section 77-27,169;

(5) Spousal support shall have the same meaning as in section 43-1715; and

(6) State lottery prize shall mean any lottery prize in excess of five hundred dollars to be awarded to an individual pursuant to the State Lottery Act upon presentation of a winning lottery ticket to the Lottery Division of the Department of Revenue for redemption.

Sec. 201. Section 77-27,163.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,163.01. The Department of Health and Human Services Finance

and Support shall use the procedures in this section and sections 77-27,160 to 77-27,173 to set off against a debtor's income tax refund the costs of health services provided to a child of the debtor if:

(1) The debtor is required by court or administrative order to provide coverage for the costs of such services; and

(2) The debtor has received payment from a third party for the costs of such services but has not used the payment to reimburse either the other parent or guardian or the provider of such services.

The amount of the setoff shall be limited to the amount necessary to reimburse the department for its expenditures for the costs of such services under the medical assistance program established pursuant to sections 68-1018 to 68-1025. Any claim for current or past-due child support shall take priority over a claim for setoff for the costs of health services.

Sec. 202. Section 77-27,164, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,164. The Department of Health and Human Services **Finance and Support** shall adopt and promulgate rules and regulations necessary to carry out the purposes of sections 77-27,160 to 77-27,173.

Sec. 203. Section 77-27,165, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,165. Prior to December 1 of each year, the Department of Health and Human Services **Finance and Support** shall send notification to the debtor of the assertion of the department's rights, or of the rights of an individual not eligible as a public assistance recipient, to all or a portion of the debtor's income tax refund. The notice shall contain the procedures available to the debtor for protesting the offset, the debtor's opportunity to give written notice of intent to contest the validity of the claim before the department within thirty days of the date of mailing the notice, and the defenses the debtor may raise. The debt shall be certified by the department through a preoffset review.

Sec. 204. Section 77-27,166, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,166. (1) By December 1 of each year, the Department of Health and Human Services **Finance and Support** may submit any certified debt of twenty-five dollars or more to the Department of Revenue except when the validity of the debt is legitimately in dispute. Any submission shall be effective only to initiate setoff for a claim against a refund that would be made for the calendar year subsequent to the year in which such submission is made.

(2) The Lottery Division of the Department of Revenue shall review all current debts on the records of the Department of Health and Human Services **Finance and Support** at the time of redeeming a lottery ticket for a state lottery prize to certify a debt owed by a winner of a state lottery prize.

Sec. 205. Section 77-27,167, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,167. If a debtor identified by the Department of Health and Human Services **Finance and Support** pursuant to section 77-27,165 or 77-27,166 is determined by the Department of Revenue to be entitled to a refund of twenty-five dollars or more or a state lottery prize, the Department of Health and Human Services **Finance and Support** shall be notified that a refund or prize is pending.

Sec. 206. Section 77-27,168, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,168. (1) Upon receipt of notification pursuant to section 77-27,167 that a debtor is entitled to a refund or a state lottery prize, the Department of Health and Human Services **Finance and Support** shall, within twenty days, send written notification to the debtor of an assertion of its rights, or of the rights of an individual not eligible as a public assistance recipient, to all or a portion of the debtor's refund or state lottery prize.

(2) The written notification shall clearly set forth the basis for the claim to the refund or state lottery prize, the intention to apply the refund or state lottery prize against the debt to a claimant, the debtor's opportunity to give written notice of intent to contest the validity of the claim before the Department of Health and Human Services **Finance and Support** within thirty days of the date of the mailing of the notice, the mailing address to which the application for a hearing must be sent, and notice that failure to apply for a hearing in writing within the thirty-day period will be deemed a waiver of the opportunity to contest the claim, causing a setoff by default.

In the case of a joint tax return, the notice shall also state the name of the taxpayer named in the return, if any, against whom no debt is

claimed. There shall be no affirmative duty placed upon the non-owing spouse of an intercepted tax return to initiate an action to receive payment of the noninterceptable amount.

Sec. 207. Section 77-27,169, Reissue Revised Statutes of Nebraska, is amended to read:
77-27,169.

A written application, pursuant to sections 77-27,165 and 77-27,168, by a debtor for a hearing shall be effective upon mailing the application, postage prepaid and properly addressed, to the Department of Health and Human Services, ~~Finance and Support~~.

If the Department of Health and Human Services ~~Finance and Support~~ receives a written application contesting a claim, it shall grant a hearing to the taxpayer or state lottery prize winner to determine whether the claim is valid. If the amount asserted as due and owing is not correct, an adjustment to the claimed amount shall be made. No issues shall be reconsidered at the hearing which have been previously litigated.

Sec. 208. Section 77-27,171, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,171. (1) Upon final determination of the amount and validity of the debt due and owing by means of the hearing provided for in section 77-27,169 or by the taxpayer's default through failure to request a hearing pursuant to section 77-27,168, the Department of Health and Human Services ~~Finance and Support~~ shall certify the debt to the Department of Administrative Services within twenty days from the date of the final determination. The final determination shall not delay a refund beyond the period prescribed in section 77-2794.

(2) Upon receipt of the certified debt amount from the Department of Health and Human Services, ~~Finance and Support~~, the Department of Administrative Services shall deduct an amount equal to the certified debt from the refund or state lottery prize due the debtor, up to the amount of the refund or state lottery prize, and shall transfer such amount, by noncash voucher, to the Department of Health and Human Services, ~~Finance and Support~~. In nonpublic assistance cases, the Department of Health and Human Services ~~Finance and Support~~ shall transmit the funds collected to the clerk of the district court for dispersal to the payee. The Department of Administrative Services shall refund or award any remaining balance to the debtor as if the setoff had not occurred.

Sec. 209. Section 77-27,172, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,172. When the Department of Health and Human Services ~~Finance and Support~~ receives all or a portion of a certified debt pursuant to section 77-27,171, the department shall notify the debtor of the completion of the setoff. Such notice shall include the final amount of the refund or state lottery prize to which the debtor was entitled prior to the setoff, the amount of the certified debt, and the amount of the refund or state lottery prize in excess of the debt, if any.

Sec. 210. Section 77-27,173, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,173. The Department of Health and Human Services ~~Finance and Support~~ shall reimburse the Department of Revenue and the Department of Administrative Services for all reasonable and necessary costs incurred by the Department of Revenue and the Department of Administrative Services in setting off debts pursuant to sections 77-27,160 to 77-27,173.

Sec. 211. Section 77-27,208, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,208. Setoffs against state income tax refunds shall have the following priorities:

- (1) Setoffs by the Department of Health and Human Services; ~~Finance and Support~~;
- (2) Setoffs by the Internal Revenue Service; and
- (3) Setoffs by the Department of Labor.

Sec. 212. Section 79-215, Reissue Revised Statutes of Nebraska, is amended to read:

79-215. (1) A school board or board of education may admit nonresident pupils to the school district, may determine the rate of tuition of the pupils, and shall collect such tuition in advance except as otherwise provided in this section.

(2) When the pupil as a ward of the state or as a ward of any court (a) has been placed in a school district other than the district in which he or she resided at the time he or she became a ward and such ward does not reside in a foster family home licensed or approved by the Department of Health and Human Services ~~Regulation and licensure~~ or a foster home maintained or used by the Department of Correctional Services pursuant to section

83-108.04 or (b) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the pupil's resident school district, the cost of his or her education and the required transportation costs associated with the child's education shall be paid by the state, but not in advance, to the receiving school district or approved institution under rules and regulations prescribed by the Department of Health and Human Services. Any pupil who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Health and Human Services ~~Regulation and licensure~~ or a foster home maintained or used by the Department of Correctional Services pursuant to section 83-108.04 shall be deemed a resident of the district in which the foster family home or foster home is located.

(3) In the case of any individual eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of such individual's district of residency, to the agency or institution which: (a) is selected by the county board with jurisdiction over such detention home; (b) has agreed or contracted with such county board to provide educational services; and (c) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education.

(4) No tuition shall be charged for children who may be by law allowed to attend the school without charge. The school district in which the parent or guardian of any nonresident pupil maintains his or her legal residence shall not be liable for the payment of tuition and the children of school age of such parent or guardian shall be entitled to free common school privileges the same as any child who is a bona fide resident of such school district whenever the parent or guardian of such nonresident pupil, having entered the public service of the State of Nebraska, has moved from the school district in which he or she maintains legal residence into another school district for temporary purposes incidental to serving the state, without the intention of making the school district to which the parent or guardian has moved his or her legal residence. No tuition shall be charged for a child whose parents are divorced if such child attends school in a district in which either parent resides. The burden of proof as to legal residence shall rest with the person claiming legal residence in any district. The school district may allow a pupil whose residency in the district ceases during a school year to continue attending school for the remainder of that school year without payment of tuition.

(5) The school board or board of education may admit nonresident pupils to the school district without requiring the payment of tuition if such pupils are in the actual physical custody of a resident of the school district and are not residents of an adjoining school district and the board determines that the pupils would otherwise be denied guaranteed free common school privileges.

(6) The changes made to this section by Laws 1992, LB 3, Ninety-second Legislature, Third Special Session, shall apply to all reimbursements under this section for school year 1992-93 and all school years thereafter.

Sec. 213. Section 79-1178, Reissue Revised Statutes of Nebraska, is amended to read:

79-1178. The State Department of Education and the Department of ~~Social Services Health and Human Services~~ shall enter into a written agreement under which the State Department of Education shall furnish to the Department of ~~Social Services Health and Human Services~~ evaluations, diagnoses, and treatment for children who are otherwise served by the Department of ~~Social Services Health and Human Services~~. The Department of ~~Social Services Health and Human Services~~ shall, under the agreement, reimburse the State Department of Education for the costs of such services to children.

Sec. 214. Section 80-605, Reissue Revised Statutes of Nebraska, is amended to read:

80-605. The appropriate official of the United States Department of Veterans Affairs or other agency of the United States shall have authority to transfer any person committed to the United States Department of Veterans Affairs or other appropriate agency of the United States or to a hospital maintained by either to any other hospital operated by the United States Department of Veterans Affairs or any other agency of the United States, to any licensed private institution, or, subject to the prior approval of the Department of ~~Public Institutions Health and Human Services~~, to any Nebraska state hospital for the mentally ill. The Department of ~~Public Institutions Health and Human Services~~, upon written consent of the legal guardian of the

patient or the written approval of the county board of mental health which committed such patient if no such guardian has been appointed, shall have the authority, subject to eligibility and the prior approval of the appropriate official of the United States Department of Veterans Affairs or other appropriate agency of the United States Government, to transfer for care or treatment any patient committed to a Nebraska state hospital for the care of the mentally ill to the United States Department of Veterans Affairs or other appropriate agency of the United States Government. Upon any such transfer and notice thereof by mail to the committing court or the judge thereof or the committing board, the original commitment of such person shall be deemed to constitute commitment to the United States Department of Veterans Affairs or other agency of the United States or to the state hospital or licensed institution to which such person may, from time to time, be so transferred.

Sec. 215. Section 81-502, Reissue Revised Statutes of Nebraska, is amended to read:

81-502. (1) It shall be the duty of the State Fire Marshal, under authority of the Governor:

(a) To enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin, and circumstances of fires;

(b) To promote safety and reduce loss by fire;

(c) To make an investigation for fire safety of the premises and facilities of:

(i) Liquor establishments for which a license or renewal of a license is sought, upon request of the Nebraska Liquor Control Commission, pursuant to section 53-119.01;

(ii) Licensed foster care facilities or applicants for licenses for foster care facilities, upon request by the Department of Health and Human Services, ~~Regulation and Licensure~~, pursuant to section 71-1903;

(iii) Licensed providers of programs or applicants for licenses to provide such programs, upon request of the Department of Health and Human Services, ~~Regulation and Licensure~~, pursuant to section 71-1913. The State Fire Marshal shall report the results of the investigation to the department within thirty days after receipt of the request from the department;

(iv) Licensed hospitals, skilled nursing facilities, intermediate care facilities, or other facilities or institutions which are mentioned in subdivision (1) of section 71-2017 or applicants for licenses for such facilities or institutions, upon request by the Department of Health and Human Services Regulation and Licensure, pursuant to section 71-2022; and

(v) Mobile home parks for which a license or renewal of a license is sought, upon request of the Department of Health and Human Services Regulation and Licensure, pursuant to section 71-4635; and

(d) After a careful study and investigation of relevant data, to adopt, promulgate, alter, and enforce, through inspections and code compliance, orders, rules, and regulations covering:

(i) The prevention of fires;

(ii) The storage, sale, and use of flammable liquids, combustibles, and fireworks;

(iii) Electric wiring and heating, protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire, and the means and adequacy of exits, in case of fire, in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies as such structures are defined in the National Fire Protection Association, Pamphlet Number 101, and associated pamphlets, and all other buildings, structures, and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned;

(iv) Design, construction, location, installation, and operation of equipment for storing, handling, and utilization of liquefied petroleum gases, specifying the odorization of such gases and the degree thereof;

(v) Chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist;

(vi) Tanks used for the storage of regulated substances pursuant to the Petroleum Products and Hazardous Substances Storage and Handling Act; and

(vii) Accessibility standards and specifications adopted pursuant to section 81-5,147.

(2) The State Fire Marshal may enter into contracts with private individuals or other agencies, boards, commissions, or governmental bodies for the purpose of carrying out his or her duties and responsibilities pursuant to the Arson Reporting Immunity Act, the Nebraska Natural Gas Pipeline Safety Act of 1969, and sections 81-502 to 81-541.01, 81-5,132 to 81-5,146, and 81-5,151 to 81-5,157.

(3) The State Fire Marshal may delegate the authority set forth in

this section to qualified local fire prevention personnel. The State Fire Marshal may overrule a decision, act, or policy of the local fire prevention personnel. When the State Fire Marshal overrules the local personnel, such local personnel may follow the appeals procedure established by sections 81-502.01 to 81-502.03. Such delegation of authority may be revoked by the State Fire Marshal for cause upon thirty days' notice after a hearing.

(4) The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531 and 81-5,151 to 81-5,157 and as may be conferred and imposed by law.

(5) The rules and regulations adopted and promulgated pursuant to subdivision (1)(d) of this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets, but not when doing so would impose an unduly severe or costly burden without substantially contributing to the safety of persons or property. This section and the rules and regulations adopted and promulgated pursuant to subdivision (1)(d) of this section shall apply to existing as well as new buildings, structures, and enclosures. Such rules and regulations shall also apply to sites or structures in public ownership listed on the National Register of Historic Places but without destroying the historic quality thereof.

(6) Plans for compliance with the rules and regulations adopted and promulgated pursuant to subdivision (1)(d) of this section shall be reviewed by the State Fire Marshal. Plans submitted after remodeling or construction has begun shall be accompanied by a penalty of fifty dollars in addition to the plan review fee set out in subdivision (4)(a) of section 81-505.01.

Sec. 216. Section 81-505.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-505.01. (1) The State Fire Marshal shall establish and assess fees not to exceed the actual costs for the performance of services by the State Fire Marshal or by qualified local fire prevention personnel to whom the State Fire Marshal has delegated authority to perform such services. Prior to establishing or altering such fees, the State Fire Marshal shall hold a public hearing on the question of the adoption of or change in fees. Notice of such hearing shall be given at least thirty days prior thereto (a) by publication in a newspaper having general circulation in the state and (b) by notifying in writing the head of any agency or department having jurisdiction over facilities that would be subject to the fees. Fees for services performed by the State Fire Marshal shall be paid to the State Fire Marshal and shall be remitted to the State Treasurer for credit to the State Fire Marshal Cash Fund. Fees for services performed by local fire prevention personnel shall be paid directly to the office of the local fire prevention personnel.

(2) The fee for inspection for fire safety of any premises or facility pursuant to section 81-502 shall be not less than twenty-five nor more than one hundred fifty dollars and shall be paid by the licensee or applicant for a license. The fee for inspection for fire safety of the same premises or facility made within twelve months after the last prior inspection shall be not less than twenty-five nor more than one hundred fifty dollars and shall be paid by the licensee or applicant for a license. The fees for inspection for fire safety of foster family homes as defined in section 71-1902 may be paid by the Department of Health and Human Services.

(3) The fee for providing investigation reports to insurance companies shall not exceed three dollars for each report provided. The State Fire Marshal may charge an amount not to exceed the actual cost of preparation for any other approved information release.

(4)(a) Except as provided in subdivision (b) of this subsection, the fee for reviewing plans, blueprints, and shop drawings to determine compliance with rules and regulations adopted and promulgated pursuant to section 81-502 shall be assessed according to the following schedule:

TOTAL VALUE OF PROPOSED STRUCTURE OR IMPROVEMENT	FEE
\$1 - \$5,000	\$5.00
\$5,001 - \$25,000	\$5.00 for the first \$5,000.00 plus \$2.00 for each additional \$5,000.00 or fraction thereof.
\$25,001 - \$50,000	\$15.00 for the first \$25,000.00 plus \$2.00 for each additional \$5,000.00 or fraction thereof.
\$50,001 - \$100,000	\$25.00 for the first \$50,000.00 plus \$1.00 for each additional \$5,000.00 or fraction thereof.
\$100,001 - \$200,000	\$35.00 for the first \$100,000.00 plus \$1.00 for each additional \$10,000.00 or fraction thereof.
\$200,001 or more	\$50.00 for the first \$200,000.00 plus \$1.00 for

each additional \$10,000.00 or fraction thereof, except that the total fee shall not exceed \$500.00.

(b) The fees set out in subdivision (a) of this subsection shall not be assessed or collected by any political subdivision to which the State Fire Marshal has delegated the authority to conduct such review and which reviews plans, blueprints, or shop drawings to determine compliance with such political subdivision's own fire safety regulations. Nothing in this subdivision shall be construed to prohibit such political subdivision from assessing or collecting a fee set by its governing board for such review.

(c) An additional fee equal to fifty percent of the fee charged pursuant to subdivision (a) of this subsection shall be assessed for reviewing plans, blueprints, and shop drawings to determine compliance with the accessibility standards and specifications adopted pursuant to section 81-5,147, except that the additional fee assessed pursuant to this subdivision shall not exceed two hundred fifty dollars.

Sec. 217. Section 81-683, Reissue Revised Statutes of Nebraska, is amended to read:

81-683. For purposes of the Parkinson's Disease Registry Act:

(1) Aggregate data means data contained in the Parkinson's Disease Registry which is compiled in a statistical format and which does not include patient-identifying data;

(2) Approved researcher means an individual or entity who is approved by the department in accordance with section 81-666 to obtain access to data contained in the Parkinson's Disease Registry to assist in scientific or medical research for the prevention, cure, or control of Parkinson's disease;

(3) Case-specific data means data contained in the Parkinson's Disease Registry concerning a specific individual other than patient-identifying data;

(4) Department means the Department of Health and Human Services Regulation and Licensure;

(5) Parkinson's disease means a chronic, progressive disorder in which there is a lack of the chemical dopamine in the brain as a direct result of the destruction of the dopamine-producing cells in the portion of the brain called the substantia nigra. Clinical features of the disease include tremor at rest, slow movements, rigidity, and unsteady or shuffling gait and may be indicated by improvement after using medications used for Parkinson's disease;

(6) Patient-identifying data means the patient's name, address, record number, symbol, or other identifying particular assigned to or related to an individual; and

(7) Related movement disorder means a disorder that resembles Parkinson's disease in some way, such as another kind of tremor.

Sec. 218. Section 81-15,102, Revised Statutes Supplement, 1996, is amended to read:

81-15,102. (1) The state shall accept or acquire, by gift, transfer, or purchase, from the licensed facility operator, title to the land and appurtenances used for the disposal of low-level radioactive waste after the expiration of both the operational life and closure period of the facility, if:

(a) Both the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality determine that (i) the requirements for site closure, decommissioning, and decontamination adopted pursuant to rules and regulations of the Department of Health and Human Services Regulation and Licensure and the Department of Environmental Quality which are allowed under federal law have been met by the licensed facility operator and (ii) such operator is in compliance with all financial requirements; and

(b) The amendments to the Central Interstate Low-Level Radioactive Waste Compact made by Laws 1991, LB 837, section 4, codified in section 71-3521, are in effect and have been ratified by Congress.

The title to the land and appurtenances shall be transferred without cost to the state. Such transfer of title to the state does not relieve the developer, licensed facility operator, or generators of such waste from liability for their actions that occurred whether known or unknown during the design, construction, operation, and closure of the facility. Sites received by gift or transfer shall be subject to approval and acceptance by the Legislature on behalf of the state.

(2) The applicant shall notify the Governor and the Legislature before beginning any onsite geological activity, such as soil core sampling, to determine the suitability of a site in the State of Nebraska for use as a facility.

(3) Lands and appurtenances which are used for the disposal of low-level radioactive waste shall be acquired and held in fee simple absolute by the licensed facility operator so long as such ownership does not preclude licensure or operation of the facility under federal law and until title to the land and appurtenances is transferred to the state pursuant to subsection (1) of this section. Such lands and appurtenances shall be used exclusively for the disposal of low-level radioactive waste until the department determines that such exclusive use is not required to protect the public health, safety, welfare, or environment. Before such a site is leased for other use, the department shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site. Remedial cleanup costs which become necessary during the period of custodial care shall be assessed first to the licensed facility operator, then proportionately against the generators of the radioactive waste and as set out in the Central Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

(4) The state may contract for the management of a disposal site. The contractor shall be subject to licensing by the department and shall be subject to the surety and custodial care funding provisions of section 81-15,103.

Sec. 219. Section 83-125, Revised Statutes Supplement, 1996, is amended to read:

83-125. The Director of Public Institutions Health and Human Services shall appoint a Director of Medical Services who shall be a qualified licensed physician with appropriate training and experience in mental health, mental retardation, or public health administration. ~~Until January 1, 1997, the Director of Medical Services shall serve at the pleasure of the Director of Public Institutions and the Director of Public Institutions shall assign duties to the Director of Medical Services. On and after January 1, 1997, the~~ The Director of Medical Services shall serve at the pleasure of the Director of Health and Human Services and the Director of Health and Human Services shall assign duties to the Director of Medical Services.

Sec. 220. Section 83-126, Revised Statutes Supplement, 1996, is amended to read:

83-126. The Director of Public Institutions Health and Human Services shall appoint the chief executive officer of each facility referred to in subdivision (1) of section 83-101.06. Each chief executive officer shall report to the director or his or her designee and shall serve full time and without term at the pleasure of the director.

Sec. 221. Section 83-227.01, Revised Statutes Supplement, 1996, is amended to read:

83-227.01. The Department of Public Institutions Health and Human Services is authorized to utilize space which is temporarily surplus to the needs of the Lincoln Regional Center and the Norfolk Regional Center facilities under their jurisdiction for patients committed to or lawfully confined in the Beatrice State Developmental Center. Patients so transferred to the Lincoln Regional Center or the Norfolk Regional Center shall be housed in facilities separate and apart from facilities used to house patients committed to such hospital, and after their transfer such patients shall receive the same type of care, custody, and treatment as they would have received had they remained at the Beatrice State Developmental Center, and the charges for their care and maintenance shall be the same as though they were housed at the Beatrice State Developmental Center, and the charges shall be collected in the manner provided in this section and sections 83-227.02, 83-350, and 83-363 to 83-380.

Sec. 222. Section 83-305.04, Revised Statutes Supplement, 1996, is amended to read:

83-305.04. The Department of Public Institutions Health and Human Services shall utilize a rehabilitation model when appropriate for services provided at the regional centers under the jurisdiction of the department. For purposes of this section, rehabilitation model means a comprehensive approach to treatment and rehabilitation of a person with a disability caused by a mental illness in order to assure that such person can perform those physical, emotional, social, and intellectual skills needed to live and work in the community.

Sec. 223. Section 83-308, Revised Statutes Supplement, 1996, is amended to read:

83-308. The amount of the salary of the superintendents of the three state hospitals for the mentally ill as described in section 83-305 shall be determined by the Director of Public Institutions Health and Human Services and paid in the same manner as other state officers.

Sec. 224. Section 83-324, Revised Statutes Supplement, 1996, is

amended to read:

83-324. The Director of Public Institutions Health and Human Services may accept patients for care and treatment upon the written application of a patient. Such written application may be made by persons desiring to receive care and treatment in one of the state hospitals for the mentally ill to the superintendent of the state hospital in which the patient wishes to receive treatment.

Sec. 225. Section 83-336, Revised Statutes Supplement, 1996, is amended to read:

83-336. The Director of Public Institutions Health and Human Services shall provide the county board of mental health with blanks for warrants, certificates, and other forms, such as will enable them to comply with sections 83-306, 83-307, 83-311 to 83-351, and 83-354 to 83-357, and also with printed copies of the applicable rules and regulations of the Department of Public Institutions Health and Human Services.

Sec. 226. Section 83-339, Revised Statutes Supplement, 1996, is amended to read:

83-339. The Director of Public Institutions Health and Human Services shall adopt and promulgate rules and regulations for the discharge or removal from the state regional centers of incurable and harmless patients, except that persons admitted to a regional center pursuant to the Nebraska Mental Health Commitment Act shall be released pursuant to section 83-1079.

Sec. 227. Section 83-340, Revised Statutes Supplement, 1996, is amended to read:

83-340. Any voluntary patient in a state hospital for the mentally ill who is cured shall be immediately discharged by the superintendent. Upon discharging such patient or any other patient, the superintendent shall furnish the patient, unless he or she is otherwise supplied, with suitable clothing, and a sum of money not exceeding twenty dollars, which shall be charged to the care of that patient in the hospital. The relatives of any patient not susceptible to cure by medical treatment in the hospital, and not dangerous to be at large, shall have the right to take charge of and remove the patient on the consent of the Director of Public Institutions Health and Human Services.

Sec. 228. Section 83-901, Revised Statutes Supplement, 1996, is amended to read:

83-901. The purpose of sections 49-617, 68-621, 72-249, 72-1302 to 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01, 83-108, 83-108.04, 83-112, 83-134, 83-135, 83-139, 83-140, 83-144, 83-145, 83-147 to 83-150, 83-153 to 83-156, 83-170 to 83-173, 83-186, 83-188, 83-428, 83-443, ~~83-4100~~ ~~to 83-4101~~, 83-4102, 83-4104, and 83-901 to 83-916 is to establish an agency of state government for the custody, study, care, discipline, training, and treatment of persons in the correctional and detention institutions and for the study, training, and treatment of persons under the supervision of other correctional services of the state so that they may be prepared for lawful community living. Correctional services shall be so diversified in program and personnel as to facilitate individualization of treatment.

Sec. 229. Section 83-925.07, Revised Statutes Supplement, 1996, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the

involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 83-4,101 to 83-4,104 shall be supplemented with purchased community-based evaluation services. The community-based evaluation services shall replace the evaluation services available at the Youth Diagnostic and Rehabilitation Center by December 31, 1999. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 230. Section 83-1068, Revised Statutes Supplement, 1996, is amended to read:

83-1068. (1) All records kept on any subject of a petition shall remain confidential except as may be provided otherwise by law. Such records shall be accessible to (a) the subject except as provided in subsection (2) of this section, (b) the subject's counsel, (c) the subject's guardian if the subject is legally incompetent, (d) the mental health board having jurisdiction over the subject, (e) persons authorized by an order of a judge or court, (f) persons authorized by written permission of the subject, or (g) the Nebraska State Patrol or the Department of Public Institutions Health and Human Services pursuant to section 69-2409.01.

(2) Upon application by the county attorney or by the director of the facility where the subject is in custody and upon a showing of good cause therefor, a judge of the district court of the county where the mental health board proceedings were held or of the county where the facility is located may order that the records shall not be made available to the subject if, in the judgment of the court, the availability of such records to the subject will adversely affect his or her mental state and the treatment thereof.

(3) When a subject is absent without authorization from a hospital or treatment program as described in section 83-1071 and is currently considered to be dangerous to others, the subject's name and description and a statement that the subject is believed to be considered currently dangerous to others may be disclosed in order to aid in the subject's apprehension and to warn of such dangerousness.

Sec. 231. Section 83-1214, Revised Statutes Supplement, 1996, is amended to read:

83-1214. The department Department of Health and Human Services shall carry out the authority granted to it by the Department of Health and Human Services Finance and Support pursuant to section 68-1035.01 and shall comply with all applicable provisions of the federal act identified in such section and of sections 68-1018 to 68-1035.

Sec. 232. Section 90-511, Revised Statutes Supplement, 1996, is amended to read:

90-511. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION
Program No. 25 - Departmental Administration

	FY1995-96	FY1996-97
GENERAL FUND	551,464,315	567,447,954
CASH FUND	2,124,426	5,692,833
FEDERAL FUND est.	135,903,879	141,677,603
REVOLVING FUND	444,311	446,075
PROGRAM TOTAL	689,936,931	715,264,465
SALARY LIMIT	7,445,909	7,412,575

There is included in the appropriation to this program for FY1995-96 \$544,941,202 General Funds, \$348,852 Cash Funds, and \$127,756,527 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 \$560,670,638 General Funds, \$3,850,690 Cash Funds, and \$133,442,975 Federal

Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY1995-96 \$123,000 General Funds for the reimbursement of transportation costs pursuant to section 79-3410 for the enrollment option program. There is included in the amount shown for FY1996-97 \$123,000 General Funds for the reimbursement of transportation costs pursuant to section 79-241 for the enrollment option program.

There is included in the amount shown for FY1995-96 \$125,045,404 General Funds which are hereby appropriated to the School District Income Tax Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for FY1995-96 \$289,888,410 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY1996-97 \$434,834,334 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for FY1995-96 \$6,895,000 General Funds which are hereby appropriated to the Educational Excellence Fund, which fund is hereby appropriated for the Help Education Lead to Prosperity Act. There is included in the amount shown for FY1996-97 \$-0- General Funds which are hereby appropriated to the Educational Excellence Fund, which fund is hereby appropriated for the Help Education Lead to Prosperity Act. It is the intent of the Legislature that for FY1997-98 \$-0- General Funds be appropriated to the Educational Excellence Fund for the Help Education Lead to Prosperity Act.

There is included in the appropriation to this program for FY1995-96 \$119,793,312 General Funds for special education reimbursement. There is included in the appropriation to this program for FY1996-97 \$124,325,645 General Funds for special education reimbursement.

There is included in the appropriation to this program \$1,807,262 General Funds for FY1994-95 Below-Age-Five programs.

There is included in the appropriation to this program \$6,155 General Funds for FY1992-93 School Age programs.

There is included in the appropriation to this program \$207,525 General Funds provided as state aid in FY1995-96 and \$212,525 General Funds provided as state aid in FY1996-97 to carry out the provisions of subsection (2) of section 79-734.

There is included in the appropriation to this program \$435,000 General Funds provided as state aid in FY1995-96 and \$435,000 General Funds provided as state aid in FY1996-97 for early childhood education projects.

There is included in the appropriation to this program \$50,000 General Funds for FY1995-96 and \$50,000 General Funds for FY1996-97 to be used only for the purpose of matching donations from business and other sources to initiate pilot technology projects.

There is included in the appropriation to this program \$-0- General Funds for FY1995-96 and \$-0- General Funds for FY1996-97 to be used only for the purpose of teacher education program approval hearing costs.

It is the intent of the Legislature that the funding and responsibility for the Schools Telelearning Service shall remain with the State Department of Education in FY1996-97. It is also the intent of the Legislature that the total funding for the Schools Telelearning Service and the contract with the Nebraska Educational Telecommunications Commission for the implementation of instructional broadcast services in FY1996-97 shall not be less than the amount expended by the State Department of Education in FY1995-96 for these purposes.

The unexpended General Fund appropriation existing on June 30, 1995, from Laws 1992, LB 245A, is hereby reappropriated to be used for the Nebraska Schools Accountability Commission in FY1995-96.

The unexpended General Fund balance existing on June 30, 1995, in this program and in Program No. 440, Educational Services, is hereby reappropriated to this program for FY1995-96 in an amount not to exceed \$350,000 to provide General Funds to be used for the Nebraska Diagnostic Resource Center. It is the intent of the Legislature that the State Department of Education shall study the role and financing of the Nebraska Diagnostic Resource Center and make recommendations to the Appropriations Committee by November 1, 1995, regarding the future role and funding of the center with non-General Funds.

It is the intent of the Legislature that the Department of Social Services shall transfer \$700,000 Federal Funds in FY1995-96 and \$700,000 Federal Funds in FY1996-97 from the federal Child Care and Development Block Grant, to the State Department of Education, Program No. 25, for training, quality, and enhancement activities related to the provision of child care and early childhood education in the state. Any remaining balance of Federal Funds for FY1996-97 not transferred by the Department of Social Services by December 31, 1996, shall be transferred by the Department of Health and Human Services.

On or before October 1 of each year, the Department of Social Services and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children age five years and older. The General Fund appropriation to the State Department of Education, Program No. 25, for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state General Funds to the school districts through the special education reimbursement process for special education services for children age five years and older that was paid to school districts or approved cooperatives with federal medicaid funds. There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY1995-96 and FY1996-97 to the Department of Social Services, to aid in carrying out the provisions of Laws 1991, LB 701. The budget administrator of the budget division of the Department of Administrative Services shall distribute the amount appropriated between budget programs according to percentages certified by the Department of Social Services. Any unexpended General Fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to the Department of Health and Human Services.

At the direction of the budget administrator of the budget division of the Department of Administrative Services, any funds appropriated to this program for general salary increases for teachers at schools operated by the Department of Correctional Services, the State Department of Education, the Department of Public Institutions Health and Human Services, the Beatrice State Developmental Center, or the Lincoln Regional Center shall be administratively transferred to the state agency employing such teachers. The State Department of Education shall certify to the budget division of the Department of Administrative Services the appropriations to be transferred pursuant to this section. The expenditure limitation for permanent and temporary salaries and per diems shall be increased within the appropriate state agency program to allow for the expenditure for personal services.

It is the intent of the Legislature that the revenue raised pursuant to the increases in the income tax rate and sales tax rate provided in Laws 1990, LB 1059, shall be appropriated to school districts as state aid in FY1995-96 and FY1996-97 for purposes of the Tax Equity and Educational Opportunities Support Act.

The Department of Revenue and the Legislative Fiscal Analyst shall annually prepare a joint report showing the revenue collected from such tax rate increases for the preceding fiscal year. A copy of the report shall be provided to the Clerk of the Legislature by December 1 of each year.

Continuing in FY1995-96, if the proceeds from such tax rate increases according to the joint report are greater than the amount appropriated by the Legislature to correspond to such tax rate increases, the difference between such amounts shall be appropriated for purposes of the Tax Equity and Educational Opportunities Support Act in the following fiscal year. Such appropriation shall be in addition to other General Funds allocated as aid for purposes of the act.

If the proceeds from such tax rate increases according to the joint report are less than the amount appropriated by the Legislature to correspond to such tax rate increases, the difference between such amounts shall be subtracted from the appropriation for purposes of the Tax Equity and Educational Opportunities Support Act in the following fiscal year.

On or before June 30, 1996, the budget division of the Department of Administrative Services shall lapse \$9,000,000 of unexpended special education General Fund appropriation balances to the General Fund.

Sec. 233. Section 90-522, Revised Statutes Supplement, 1996, is amended to read:

90-522. CASH FUNDS.

The receipts for FY1995-96 and FY1996-97 inuring to the several Cash Funds, together with any amounts held in account by the State Treasurer on June 30, 1995, are hereby credited to each of the funds respectively.

Expenditure of Cash Funds appropriated in this act shall be limited to the amount shown by program except when specific exceptions are made. The amounts appropriated in this act include the following funds:

(1) Legislative Council: Nebraska Legislative Shared Information System Cash Fund, Donations/Contributions Cash Fund;

(2) Supreme Court: Supreme Court Reports Cash Fund, Probation Cash Fund, Supreme Court Miscellaneous Cash Fund;

(3) Governor: Governor's Policy Research Cash Fund, Municipal Natural Gas Regulation Revolving Loan Fund, School Weatherization Fund, State Energy Office Cash Fund;

(4) Secretary of State: Nebraska Collection Agency Fund, Uniform Limited Partnership Cash Fund, Records Management Cash Fund, Administration Cash Fund, Uniform Commercial Code Cash Fund, Corporation Cash Fund, Voter Registration Cash Fund;

(5) Auditor of Public Accounts: Cooperative Audit Cash Fund;

(6) Attorney General: Odometer Fraud Cash Fund, Report and Opinions Cash Fund;

(7) State Treasurer: Unclaimed Property Cash Fund, Personal Property Tax Reimbursement Fund, Municipal Infrastructure Redevelopment Fund;

(8) State Department of Education: State Department of Education Cash Fund, Nebraska School for the Deaf Cash Fund, Teachers' Certification Fund, Nebraska School for the Visually Handicapped Cash Fund, Instructional Technology Cash Fund, Diagnostic Resource Center Cash Fund, Professional Practices Commission Fund, School District Income Tax Fund, Tax Equity and Educational Opportunities Fund, Early Childhood Program Training Fund, Nebraska Schools Accountability Commission Cash Fund, Education Innovation Fund, Tuition Recovery Cash Fund;

(9) Public Service Commission: Nebraska Grain Warehouse Surveillance Cash Fund, Nebraska Telecommunications Relay System Fund;

(10) Department of Revenue: Severance Tax Administration Fund, Motor Fuels Refund Administration Cash Fund, Litter Fee Collection Fund, Petroleum Products Administrative Fund, Department of Revenue Miscellaneous Receipts Fund, Charitable Gaming Operations Fund, Tobacco Products Administration Cash Fund, Employment and Investment Growth Fund, Interstate Motor Carriers Base State Cash Fund, Waste Reduction and Recycling Incentive Fees Collection Fund, Petroleum Release Remedial Action Collection Fund, State Lottery Operation Cash Fund, Compulsive Gamblers Assistance Fund, Quality Jobs Fund;

(11) Department of Aeronautics: Department of Aeronautics Cash Fund;

(12) Department of Agriculture: Fertilizers and Soil Conditioners Administrative Fund, Commercial Feed Administration Cash Fund, Pure Milk Cash Fund, Soil and Plant Analysis Laboratory Cash Fund, Livestock Auction Market Fund, Nebraska Potato Development Fund, Graded Egg Fund, Weights and Measures Administrative Fund, Nebraska Poultry and Egg Development, Utilization, and Marketing Fund, Agricultural Products Marketing Information Cash Fund, Manufacturing Milk Cash Fund, Lining Materials Cash Fund, Pure Food Cash Fund, Nebraska Agricultural Products Marketing Cash Fund, State Apiary Cash Fund, Pseudorabies Control Cash Fund, Weed and Insect Books Cash Fund, Pesticide Administrative Cash Fund, Nebraska Seed Administrative Cash Fund, Plant Protection and Plant Pest Cash Fund, Tractor Permit Cash Fund, Nebraska Origin and Premium Quality Grain Cash Fund, Animal Damage Control Cash Fund, Noxious Weed Cash Fund;

(13) Department of Banking and Finance: Financial Institution Assessment Cash Fund, Loan Act Fund, Mortgage Bankers Cash Fund, Securities Act Cash Fund;

(14)(a) Until January 1, 1997, Department of Health: Department of Health Cash Fund, Department of Health Reimbursement Fund, Bureau of Examining Boards' Cash Fund;

(b) On and after January 1, 1997, Department of Health and Human Services Regulation and Licensure: Department of Health and Human Services Regulation and Licensure Cash Fund, Department of Health and Human Services Regulation and Licensure Reimbursement Fund, Bureau of Examining Boards' Cash Fund;

(15) State Fire Marshal: Nebraska Natural Gas Pipeline Safety Fund, Fire Insurance Tax Fund, State Fire Marshal Cash Fund, Underground Storage Tank Fund, Training Division Cash Fund;

(16) Department of Insurance: Department of Insurance Cash Fund;

(17) Department of Labor: Employment Security Special Contingent Fund, Nebraska Amusement Ride Fund, Farm Labor Contractors Fund, Contractor Registration Cash Fund, Boiler Inspection Cash Fund, Elevator Inspection Fund, Workplace Safety Consultation Program Cash Fund;

(18) Department of Motor Vehicles: Proration Operations Cash Fund, Department of Motor Vehicles Cash Fund, License Plate Cash Fund, Motorcycle

Safety Education Fund;

(19)(a) Until January 1, 1997, Department of Public Institutions: Veterans' Home Building Fund, Institutional Cash Fund for the Nebraska Veterans' Homes, Small Business Enterprises Cash Fund, School District Reimbursement Fund;

(b) On and after January 1, 1997, Department of Health and Human Services: Department of Health and Human Services Cash Fund, Veterans' Home Building Fund, Institutional Cash Fund for the Nebraska Veterans' Homes, Small Business Enterprises Cash Fund, School District Reimbursement Fund, Compulsive Gamblers Assistance Fund, Nebraska Child Abuse Prevention Fund;

(20)(a) Until January 1, 1997, Department of Social Services: Department of Social Services Cash Fund, Nebraska Center for Children and Youth Cash Fund, Nebraska Center for Children and Youth Educational Reimbursement Cash Fund, Childhood Care Cash Fund, Clark Foundation Grant Cash Fund, Nebraska Child Abuse Prevention Fund;

(b) On and after January 1, 1997, Department of Health and Human Services Finance and Support: Department of Health and Human Services Finance and Support Cash Fund, Nebraska Center for Children and Youth Cash Fund, Childhood Care Cash Fund; ~~Nebraska Child Abuse Prevention Fund~~;

(21) Department of Roads: Highway Cash Fund, Grade Crossing Protection Fund, State Recreation Road Fund, Roads Operations Cash Fund;

(22) Department of Water Resources: Department of Water Resources Cash Fund;

(23) State Electrical Board: Electrical Division Fund;

(24) Military Department: Military Department Cash Fund;

(25) Board of Educational Lands and Funds: Surveyors' Cash Fund, Board of Educational Lands and Funds Cash Fund, Survey Record Repository Fund;

(26) Game and Parks Commission: State Game Fund, State Park Cash Revolving Fund, Nebraska Habitat Fund, Nebraska Snowmobile Trail Cash Fund, Nebraska Outdoor Recreation Development Cash Fund, Nongame and Endangered Species Conservation Fund, Nebraska Environmental Trust Fund, Trail Development Assistance Fund, Cowboy Trail Fund, Recreational Trails Fund;

(27) Nebraska Library Commission: Nebraska Library Commission Cash Fund;

(28) Nebraska Liquor Control Commission: Nebraska Liquor Control Commission Rule and Regulation Cash Fund;

(29) State Racing Commission: Racing Commission's Cash Fund, Track Distribution Fund, Alcohol and Drug Rehabilitation Services Fund;

(30) Nebraska Workers' Compensation Court: Compensation Court Cash Fund;

(31) Nebraska Commission on the Status of Women: Nebraska Commission on the Status of Women Donation Fund;

(32) Nebraska Brand Committee: Nebraska Brand Inspection and Theft Prevention Fund;

(33) Nebraska Motor Vehicle Industry Licensing Board: Nebraska Motor Vehicle Industry Licensing Fund;

(34) State Real Estate Commission: State Real Estate Commission's Fund;

(35) State Athletic Commissioner: State Athletic Commissioner's Cash Fund;

(36) Board of Barber Examiners: Board of Barber Examiners Fund;

(37) Department of Correctional Services: Department of Correctional Services Facility Cash Fund;

(38) Nebraska Educational Telecommunications Commission: State Educational Telecommunications Fund, NEB*SAT Cash Fund;

(39) Coordinating Commission for Postsecondary Education: Coordinating Commission for Postsecondary Education Cash Fund;

(40) Nebraska State Colleges: Chadron Cash Fund, Peru Cash Fund, Wayne Cash Fund, Peru State College Designated Cash Fund;

(41) University of Nebraska: University Cash Fund, Temporary University Fund, University of Nebraska at Omaha Cash Fund, University of Nebraska Medical Center Cash Fund, University of Nebraska at Kearney Cash Fund, University of Nebraska Central Administration Designated Cash Fund, University of Nebraska-Lincoln Designated Cash Fund, University of Nebraska at Omaha Designated Cash Fund, University of Nebraska Medical Center Designated Cash Fund, University of Nebraska at Kearney Designated Cash Fund;

(42) State Board of Agriculture: Antique Farm Machinery and Equipment Fund;

(43) Real Estate Appraiser Board: Real Estate Appraiser Fund;

(44) Nebraska State Historical Society: Historical Society Fund, Historical Landmark Cash Fund;

(45) Nebraska Natural Resources Commission: Nebraska Natural

Resources Commission Cash Fund, Small Watersheds Flood Control Fund, Nebraska Soil and Water Conservation Fund, Nebraska Resources Development Fund, Natural Resources Enhancement Fund;

(46) Nebraska Wheat Development, Utilization, and Marketing Board: Nebraska Wheat Development, Utilization, and Marketing Fund;

(47) Nebraska Oil and Gas Conservation Commission: Oil and Gas Conservation Fund;

(48) Board of Examiners for Professional Engineers and Architects: Professional Engineering and Architectural Examiners' Fund;

(49) Nebraska Ethanol Board: Agricultural Alcohol Fuel Tax Fund, Ethanol Production Incentive Cash Fund;

(50) Nebraska Dairy Industry Development Board: Nebraska Dairy Industry Development Fund;

(51) State Board of Examiners for Land Surveyors: Land Surveyor Examiner's Fund;

(52) Nebraska State Board of Public Accountancy: Public Accountants Fund;

(53) Nebraska State Patrol: Nebraska State Patrol Cash Fund, Investigation Petty Cash Fund, Carrier Enforcement Cash Fund, State Patrol Liquor Control Cash Fund, Nebraska State Patrol Drug Control and Education Cash Fund, Nebraska State Patrol Criminal Investigation Cash Fund, Public Safety Cash Fund, Nebraska State Patrol Computerization Cash Fund, Nebraska State Patrol Vehicle Replacement Cash Fund;

(54) Department of Administrative Services: Telecommunications Cash Fund, Building Renewal Allocation Fund, Social Security Cash Fund, Recyclable Paper Cash Fund, Capitol Restoration Cash Fund, Nebraska State Fairgrounds Building Fund, Accounting Division Cash Fund, Vacant Building and Excess Land Fund, Resource Recovery Fund, Americans with Disabilities Account, Nebraska Fire, Life, Safety and Hazardous Materials Account, Tort Claims Fund, Tort and Sundry Claims Fund, Workers' Compensation Claims Revolving Fund, State Civil Action Expense Fund, State Claims Board Cash Fund, Joslyn Castle Operations Cash Fund, COBRA Health Insurance Cash Fund, City of Omaha Public Events Facilities Fund;

(55) Abstracters Board of Examiners: Abstracters Board of Examiners Cash Fund;

(56) Equal Opportunity Commission: Martin Luther King Cash Fund;

(57) Commission on Mexican-Americans: Hispanic Awareness Cash Fund;

(58) Nebraska Arts Council: Nebraska Arts Council Cash Fund;

(59) State Foster Care Review Board: Foster Care Review Board Cash Fund;

(60) Until January 1, 1997, Department on Aging: Department on Aging Cash Fund, Care Management Services Cash Fund;

(61) Department of Economic Development: Economic Development Cash Fund, Administrative Cash Fund, Tourist Promotion Fund, State Visitors Promotion Cash Fund, Nebraska Agricultural Products Research Fund, Small Business Investment Fund, Job Training Cash Fund;

(62) State Board of Landscape Architects: State Board of Landscape Architects Cash Fund;

(63) Nebraska Power Review Board: Nebraska Power Review Fund;

(64) Nebraska Investment Council: State Investment Officer's Cash Fund;

(65) Nebraska Commission on Law Enforcement and Criminal Justice: Nebraska Law Enforcement Training Center Cash Fund, Law Enforcement Improvement Fund, Victim's Compensation Fund, Crimes Against Children Fund;

(66) Commission for the Hearing Impaired: Commission for the Hearing Impaired Fund;

(67) Department of Environmental Quality: Integrated Solid Waste Management Cash Fund, Nebraska Litter Reduction and Recycling Fund, Department of Environmental Quality Cash Fund, Chemigation Costs Fund, Low-Level Radioactive Waste Cash Fund, Petroleum Products and Hazardous Substances Storage and Handling Fund, Petroleum Release Remedial Action Cash Fund, Wastewater Treatment Operator Certification Cash Fund, Community Improvements Cash Fund, Local Site Selection Cash Fund, Local Monitoring Committee Cash Fund, Waste Reduction and Recycling Incentive Fund, Construction Administration Fund, Solid Waste Landfill Closure Assistance Fund, Remedial Action Plan Monitoring Fund, Scrap Tire Reduction and Recycling Incentive Fund;

(68) Public Employees Retirement Board: School Expense Fund, Judges Expense Fund, State Patrol Expense Fund;

(69) Dry Bean Commission: Dry Bean Development, Utilization, Promotion, and Education Fund;

(70) Nebraska Accountability and Disclosure Commission: Nebraska

Accountability and Disclosure Commission Cash Fund, Campaign Finance Limitation Cash Fund;

(71) Corn Development, Utilization, and Marketing Board: Nebraska Corn Development, Utilization, and Marketing Fund;

(72) Community College Aid: Nebraska Community College Aid Cash Fund;

(73) Soybean Development, Utilization, and Marketing Board: Soybean Development, Utilization, and Marketing Fund; and

(74) Grain Sorghum Development, Utilization, and Marketing Board: Grain Sorghum Development, Utilization, and Marketing Fund.

Sec. 234. This act becomes operative on July 1, 1997.

Sec. 235. Original sections 28-406 to 28-408, 28-428, 28-430, 28-431, 28-434, 43-119, 43-121, 43-124 to 43-127, 43-130 to 43-135, 43-137 to 43-146, 43-146.02, 43-146.04 to 43-146.16, 43-2002, 43-2004 to 43-2006, 43-2009, 43-2012, 68-1027, 68-1028, 68-1037.03, 68-1037.04, 69-2409.01, 70-101, 71-121, 71-121.01, 71-141, 71-151, 71-157, 71-158, 71-161.10, 71-172.01, 71-174.01, 71-1,136.01, 71-1,142, 71-1,147.08, 71-1,147.41, 71-1,154, 71-1,234, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-390, 71-604, 71-604.05, 71-605, 71-606, 71-608.01, 71-612, 71-614, 71-616.04, 71-616.05, 71-617.02, 71-617.06 to 71-617.15, 71-626 to 71-630, 71-636, 71-639, 71-640.02, 71-641, 71-642, 71-649, 71-1405, 71-1536, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913, 71-1913.02, 71-2003, 71-2097 to 71-20,101, 71-20,103, 71-2610.01, 71-3406, 71-3708, 71-3710, 71-5509, 71-5514, 71-5515.01, 71-6043, 71-6048, 71-6059, 71-6066, 71-7804, 71-7806, 77-27,160, 77-27,161, 77-27,163.01 to 77-27,169, 77-27,171 to 77-27,173, 77-27,208, 79-215, 79-1178, 80-605, 81-502, 81-505.01, and 81-683, Reissue Revised Statutes of Nebraska, and sections 9-810, 28-343, 28-401, 28-410, 28-414, 28-713, 32-327, 42-347, 42-358, 42-358.08, 42-723, 43-104.07, 43-106.02, 43-107, 43-247, 43-512.02, 43-512.03, 43-512.05 to 43-512.07, 43-512.12 to 43-512.15, 43-512.17, 43-536, 43-701, 43-702, 43-705, 43-707, 43-708, 43-1301, 43-1314.01, 43-1408.01, 43-1704, 43-1706, 43-1718.02, 43-1720, 43-2003, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 44-3,144, 46-656.28, 46-656.51, 48-647, 58-710, 81-15,102, 83-125, 83-126, 83-227.01, 83-305.04, 83-308, 83-324, 83-336, 83-339, 83-340, 83-901, 83-925.07, 83-1068, 83-1214, 90-511, and 90-522, Revised Statutes Supplement, 1996, are repealed.

Sec. 236. The following sections are outright repealed: Sections 71-2206, 81-601.01, and 83-4,100, Reissue Revised Statutes of Nebraska, and sections 43-120, 43-122, and 83-162.05, Revised Statutes Supplement, 1996.

Sec. 237. Since an emergency exists, this act takes effect when passed and approved according to law.