

LEGISLATIVE BILL 1135

Approved by the Governor March 30, 2000

Introduced by Government, Military and Veterans Affairs Committee:
Schimek, 27, Chairperson; Aguilar, 35; Cudaback, 36;
Janssen, 15; Quandahl, 31; Schmitt, 41; Smith, 48; Vrtiska, 1;
and Kremer, 34; Preister, 5

AN ACT relating to state government; to amend sections 10-127, 39-1110, 39-2201, 71-1,313, 71-6803, 71-6806, 71-6807, 71-6810, 71-6819, 71-6830, 81-819, 81-1609, 81-1611, 81-1612, 81-1616, 85-167, 85-169, 85-170, and 85-171, Reissue Revised Statutes of Nebraska, sections 2-5103, 66-4,144, and 71-1,329, Revised Statutes Supplement, 1998, and sections 18-2147.01, 43-2505, 43-2620, 71-1,144.01, 71-1,144.04, 71-1917, and 79-1110, Revised Statutes Supplement, 1999; to eliminate certain boards, commissions, committees, and councils and a task force; to create a council; to provide and change powers and duties; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 9-1,102, 39-2202, 39-2220, 43-2506, 43-2611 to 43-2614, 71-1,144.02, 71-6804, 71-6829, 72-720, 72-721, 72-722, 77-5101, 77-5103, 77-5104, 79-1502, 81-818, 81-820, 81-821, 81-822, 81-823, 81-1610, 85-166, and 90-405, Reissue Revised Statutes of Nebraska, sections 2-5104, 2-5105, 68-1037.06, 71-5054, 77-5102, 77-5105, and 79-1183.01, Revised Statutes Supplement, 1998, and sections 43-2610 and 43-2615, Revised Statutes Supplement, 1999.

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

Section 1. Section 2-5103, Revised Statutes Supplement, 1998, is amended to read:

2-5103. For purposes of the Buffer Strip Act:

(1) ~~Board means the Nebraska Pesticide Board created pursuant to section 2-5104,~~

~~(2)~~ Buffer strip means a strip of vegetation used to intercept or trap field sediment, organics, pesticides, and other potential pollutants before they reach surface water;

~~(2)~~ ~~(3)~~ Department means the Department of Agriculture;

~~(3)~~ ~~(4)~~ District means a natural resources district; and

~~(4)~~ ~~(5)~~ Person means any individual, partnership, firm, corporation, company, society, or association, the state or any department, agency, or subdivision thereof, or any other public or private entity.

Sec. 2. Section 10-127, Reissue Revised Statutes of Nebraska, is amended to read:

10-127. ~~The Nebraska Highway Bond~~ State Highway Commission, any county, city, village, school district, drainage district, irrigation district, public power district, public power and irrigation district, metropolitan utilities district, the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, community colleges, sanitary and improvement districts, rural water districts, airport authorities, hospital authorities, or any other municipal corporation or governmental subdivision of the state which has the power to issue bonds or other evidences of indebtedness may issue bonds or other evidences of indebtedness of like date, tenor, amount, and maturity to replace mutilated, destroyed, stolen, or lost bonds or other evidences of indebtedness previously issued and having attached thereto the same corresponding unmatured coupons, if any, as were attached to the mutilated, destroyed, stolen, or lost bonds or other evidences of indebtedness. Issuance of replacement bonds or other evidences of indebtedness of like date, tenor, amount, and maturity may be made (1) in exchange and in substitution for such mutilated bond or other evidence of indebtedness and attached unmatured coupons, if any, upon surrender of such mutilated bond or other evidence of indebtedness and attached unmatured coupons, if any, or (2) in lieu of and in substitution for the destroyed, stolen, or lost bond or other evidence of indebtedness and attached unmatured coupons. In the event such bond or other evidence of indebtedness and attached unmatured coupons, if any, have been destroyed, stolen, or lost, the holder thereof shall first file with the issuer evidence satisfactory to it that such bond or other evidence of indebtedness and attached unmatured coupons have been destroyed, stolen, or lost and of such holder's ownership thereof and shall in any event furnish the issuer with indemnity satisfactory to it and shall comply with any statutory requirements

and with such other requirements as the issuer may require. A charge, not exceeding the actual cost thereof, shall be imposed upon such owner to reimburse the issuer for the expenses for issuing each such new bond or evidence of indebtedness, which cost shall be paid before the delivery of the new bond or evidence of indebtedness. Instead of issuing a substituted bond or evidence of indebtedness or instead of delivery of any coupon for a bond or evidence of indebtedness, as the case may be, which has matured or which is about to mature and instead of issuing a substituted bond or other evidence of indebtedness for a bond or other evidence of indebtedness which has been called for redemption, the issuer, upon receiving evidence and being indemnified as provided in this section, at its option may pay the bond or other evidence of indebtedness or such coupon from any source lawfully available therefor without the surrender thereof.

Sec. 3. Section 18-2147.01, Revised Statutes Supplement, 1999, is amended to read:

18-2147.01. The Department of Economic Development shall, to the extent that funds are appropriated for such purpose, reimburse applying cities or villages for the fees paid by such cities or villages for the use of the cost-benefit analysis model, developed and approved ~~as provided in sections 77-5101 to 77-5105~~ by the Legislature, for projects using funds authorized by section 18-2147.

Sec. 4. Section 39-1110, Reissue Revised Statutes of Nebraska, is amended to read:

39-1110. (1) It shall be the duty of the State Highway Commission:

(a) To conduct studies and investigations and to act in an advisory capacity to the Director-State Engineer in the establishment of broad policies for carrying out the duties and responsibilities of the Department of Roads;

(b) To advise the public regarding the policies, conditions, and activities of the Department of Roads;

(c) To hold hearings, make investigations, studies, and inspections, and do all other things necessary to carry out the duties imposed upon it by law;

(d) To advance information and advice conducive to providing adequate and safe highways in the state;

(e) When called upon by the Governor, to advise him or her relative to the appointment of the Director-State Engineer; and

(f) To submit to the Governor its written advice regarding the feasibility of each relinquishment or abandonment of a fragment of a route, section of a route, or a route on the state highway system proposed by the department. The ~~chairman~~ chairperson of the commission shall designate one or more of the members of the commission, prior to submitting such advice, to personally inspect the fragment of a route, section of a route, or a route to be relinquished or abandoned, who shall take into consideration the following factors: Cost to the state for maintenance, estimated cost to the state for future improvements, whether traffic service provided is primarily local or otherwise, whether other facilities provide comparable service, and the relationship to an integrated state highway system. The department shall furnish to the commission all needed assistance in making its inspection and study. If the commission, after making such inspection and study, shall fail to reach a decision as to whether or not the fragment of a route, section of a route, or a route should be relinquished or abandoned, it may hold a public hearing on such proposed relinquishment or abandonment. The commission shall give a written notice of the time and place of such hearing, not less than two weeks prior to the time of the hearing, to the political or governmental subdivisions or public corporations wherein such portion of the state highway system is proposed to be relinquished or abandoned. The commission shall submit to the Governor, within two weeks after such hearing, its written advice upon such proposed relinquishment or abandonment.

(2) All funds rendered available by law to the Department of Roads, including funds already collected for such purposes, may be used by the State Highway Commission in administering and effecting such purposes, to be paid upon approval by the Director-State Engineer.

(3) All data and information of the Department of Roads shall be available to the State Highway Commission.

(4) The State Highway Commission may issue bonds under the Nebraska Highway Bond Act.

Sec. 5. Section 39-2201, Reissue Revised Statutes of Nebraska, is amended to read:

39-2201. As used in the Nebraska Highway Bond Act, unless the context otherwise requires:

(1) Bond fund shall mean the Highway Restoration and Improvement Bond Fund created in section 39-2215.01;

(2) Bonds shall mean the bonds authorized to be issued under the Nebraska Highway Bond Act and shall include notes or other similar evidences of indebtedness;

(3) Commission shall mean the ~~Nebraska Highway Bond~~ State Highway Commission;

(4) Construction shall mean and include acquisition, construction, resurfacing, restoring, rehabilitation, and reconstruction necessary to plan, build, improve, replace, or extend a highway, and to construct shall mean and include to acquire, to construct, to resurface, to restore, to rehabilitate, and to reconstruct as necessary to plan, build, improve, replace, or extend a highway;

(5) Cost of construction shall mean and include obligations to contractors and builders for construction and for the restoration of property damaged or destroyed in connection with such construction, the cost of acquiring land, property rights, rights-of-way, franchises, easements, and other interests deemed necessary or convenient for construction, the cost of acquiring any property, real or personal, tangible or intangible, or any interest therein, deemed necessary or convenient for construction, the interest requirements upon any bonds prior to, during, and for a period of eighteen months after completion of construction, fees and expenses of paying agents and other agents appointed by the commission for such bonds during any such period, the costs and expenses of preliminary investigations to determine the feasibility or practicability of such construction, the fees and expenses of engineers for making preliminary studies, surveys, reports, estimates of costs and of revenue, and other estimates and for preparing plans and specifications and supervising construction as well as for the performance of all other duties of engineers in relation to such construction or the issuance of bonds therefor, expenses of administration during construction, legal expenses and fees, financing charges, municipal bond insurance or surety bond premiums, credit facility fees, costs of audits, costs of preparing and issuing such bonds, and all other items of expense incident to such construction, the financing thereof, and the acquisition of land and property therefor;

(6) Fund shall mean the Highway Trust Fund which is created by section 39-2215; and

(7) Highway shall mean and include any public road now or at any time hereafter classified by the Legislature as the responsibility of the state to construct and any related facility, the cost of which is financed in whole or in part by the issuance of bonds under the Nebraska Highway Bond Act.

The Legislature hereby reserves the right to vary and change by law the definitions of construction, cost of construction, and highway contained in this section.

Sec. 6. The Early Childhood Interagency Coordinating Council is created. The council shall advise and assist the collaborating agencies in carrying out the provisions of the Early Intervention Act, the Quality Child Care Act, sections 79-1101 to 79-1104, and other early childhood care and education initiatives under state supervision. Membership and activities of the council shall comply with all applicable provisions of federal law. Members of the council shall be appointed by the Governor and shall include, but not be limited to:

(1) Parents of children who require early intervention services, early childhood special education, and other early childhood care and education services; and

(2) Representatives of school districts, social services, health and medical services, family child care and center-based early childhood care and education programs, agencies providing training to staff of child care programs, resource and referral agencies, mental health services, developmental disabilities services, educational service units, Head Start, higher education, physicians, the Legislature, business persons, and the collaborating agencies.

Terms of the members shall be for three years, and a member shall not serve more than two consecutive three-year terms. Members shall be reimbursed for their actual and necessary expenses, including child care expenses, with funds provided for such purposes through the Early Intervention Act, the Quality Child Care Act, and sections 79-1101 to 79-1104.

Members of the Nebraska Interagency Coordinating Council serving on the effective date of this act shall constitute the Early Childhood Interagency Coordinating Council and shall serve for the remainder of their terms. The Governor shall make additional appointments as required by this section and to fill vacancies as needed. The Governor shall set the initial terms of additional appointees to result in staggered terms for members of the council. The Department of Health and Human Services, the Department of

Health and Human Services Regulation and Licensure, and the State Department of Education shall provide and coordinate staff assistance to the council.

Sec. 7. With respect to the Early Intervention Act, the Quality Child Care Act, and sections 79-1101 to 79-1104, the Early Childhood Interagency Coordinating Council shall serve in an advisory capacity to state agencies responsible for early childhood care and education, including care for school-age children, in order to:

(1) Promote the policies set forth in the Early Intervention Act, the Quality Child Care Act, and sections 79-1101 to 79-1104;

(2) Facilitate collaboration with the federally administered Head Start program;

(3) Make recommendations to the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, the Department of Health and Human Services Regulation and Licensure, the State Department of Education, and other state agencies responsible for the regulation or provision of early childhood care and education programs on the needs, priorities, and policies relating to such programs throughout the state;

(4) Make recommendations to the lead agency or agencies which prepare and submit applications for federal funding;

(5) Review new or proposed revisions to rules and regulations governing the registration or licensing of early childhood care and education programs;

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

(7) Report biennially to the Governor and Legislature on the status of early intervention and early childhood care and education in the state.

Sec. 8. With respect to the Early Intervention Act, the Early Childhood Interagency Coordinating Council and collaborating agencies shall make recommendations to the lead agency or agencies relating to:

(1) The general administration, supervision, and monitoring of programs and activities receiving federal funds under the federal early intervention program to ensure compliance with federal law;

(2) The identification and coordination of all available resources within the state from federal, state, local, and private sources;

(3) The development of procedural safeguards, including procedures for complaints and appeals, to ensure that services coordination is provided to eligible infants or toddlers with disabilities or possible disabilities and their families in a timely manner pending the resolution of any disputes among public agencies or service providers;

(4) The entry into formal interagency agreements that include components necessary to ensure meaningful cooperation and coordination; and

(5) The coordination of interagency rules and regulations pursuant to the Early Intervention Act.

Sec. 9. Section 43-2505, Revised Statutes Supplement, 1999, is amended to read:

43-2505. For purposes of the Early Intervention Act:

(1) Collaborating agencies means the Department of Health and Human Services and the State Department of Education;

(2) Developmental delay has the definition found in section 79-1118.01;

(3) Early intervention services may include services which:

(a) Are designed to meet the developmental needs of each eligible infant or toddler with disabilities and the needs of the family related to enhancing the development of their infant or toddler;

(b) Are selected in collaboration with the parent or guardian;

(c) Are provided in accordance with an individualized family service plan;

(d) Meet all applicable federal and state standards; and

(e) Are provided, to the maximum extent appropriate, in natural environments including the home and community settings in which infants and toddlers without disabilities participate;

(4) Eligible infant or toddler with disabilities means a child who needs early intervention services and is two years of age or younger, except that toddlers who reach age three during the school year shall remain eligible throughout that school year. The need for early intervention services is established when the infant or toddler experiences developmental delays or any of the other disabilities described in the Special Education Act;

(5) Federal early intervention program means the federal early intervention program for infants and toddlers with disabilities, 20 U.S.C. 1471 to 1485;

(6) Individualized family service plan means the process,

periodically documented in writing, of determining appropriate early intervention services for an eligible infant or toddler with disabilities and his or her family;

(7) Interagency planning team means an organized group of interdisciplinary, interagency representatives, community leaders, and family members in each local community or region;

(8) Lead agency or agencies means the Department of Health and Human Services and State Department of Education and any other agencies designated by the Governor for general administration, supervision, and monitoring of programs and activities receiving federal funds under the federal early intervention program and state funds appropriated for early intervention services under the Early Intervention Act; and

(9) ~~Nebraska Interagency Coordinating Council~~ means the state council the function of which is to advise and assist the collaborating agencies in carrying out the provisions of the act. The members of the council shall be appointed by the Governor and shall include, but not be limited to, representatives of school districts, social services, health and medical services, parents, mental health services, developmental disabilities services, educational service units, Head Start, higher education, physicians, the Legislature, and the collaborating agencies; and

~~(10)~~ Services coordination means a flexible process of interaction facilitated by a services coordinator to assist the family of an eligible infant or toddler with disabilities within a community to identify and meet their needs pursuant to the act. Services coordination under the act shall not duplicate any case management services which an eligible infant or toddler with disabilities and his or her family are already receiving or eligible to receive from other sources.

Sec. 10. Section 43-2620, Revised Statutes Supplement, 1999, is amended to read:

43-2620. The Department of Health and Human Services, 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)~~ (12) Support the identification and recruitment of persons to provide child care for children with special needs.

Sec. 11. Section 66-4,144, Revised Statutes Supplement, 1998, is amended to read:

66-4,144. (1) In order to insure that an adequate balance in the Highway Restoration and Improvement Bond Fund is maintained to meet the debt service requirements of bonds to be issued by the commission under subsection

(2) of section 39-2223, the Governor may call a meeting of the State Tax Board at any time in advance of the issuance of such bonds. At such meeting, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 for each year during which such bonds are outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to subsection (2) of this section. Each such rate shall be effective from July 1 of a stated year through June 30 of the succeeding year or during such other period not longer than one year as the board determines to be consistent with the principal and interest requirements of such bonds. Such excise tax rates set pursuant to this subsection may be increased, but such excise tax rates shall not be subject to reduction or elimination unless the board has received from the ~~Nebraska Highway Bond~~ State Highway Commission notice of reduced principal and interest requirements for such bonds, in which event the Governor may call a meeting of the board to determine whether the rate or rates shall be changed. The new rate or rates, if any, set by the board shall become effective on the first day of the following semiannual period.

(2) In order to insure that there is maintained an adequate Highway Cash Fund balance to meet expenditures from such fund as appropriated by the Legislature, within fifteen days after the adjournment of each regular session of the Legislature, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 which will be effective from July 1 through June 30 of the succeeding year. The rate of excise tax for a given July 1 through June 30 period set pursuant to this subsection shall be in addition to and independent of the rate or rates of excise tax set pursuant to subsection (1) of this section for such period.

(3) The Department of Roads, with assistance from the Department of Revenue, shall prepare and provide the necessary information to each member of the board at least five days before each meeting. Such information shall include, but not be limited to, the unobligated balance in the Highway Cash Fund anticipated on the subsequent June 30, monthly estimates of anticipated receipts to the Highway Cash Fund for the subsequent fiscal year, and the appropriations made from the Highway Cash Fund for the subsequent fiscal year.

(4) The board shall determine the cash and investment balances of the Highway Cash Fund at the beginning of each fiscal year under consideration and the estimated receipts to the Highway Cash Fund from each source which provides at least one million dollars annually to such fund. The board shall then fix the rate of excise tax in an amount sufficient to meet the appropriations made from the Highway Cash Fund by the Legislature. Such rate shall be set in increments of one-tenth of one percent.

(5) On or before the fifteenth day of each month, the Department of Roads shall provide to each member of the board and the Clerk of the Legislature a report reflecting a comparison of the Highway Cash Fund deposits for the preceding calendar month and fiscal year to date against the projections for the same periods and the limitations of information contained in such report. The projections in the report shall be those last used by the board in setting the excise tax rate for the periods being reviewed. The report shall contain a comparison of actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the remainder of the current fiscal year, as supplied by the Department of Roads to the board, against the appropriation for the current fiscal year. If the accumulative total deposits to the Highway Cash Fund under Chapter 66, articles 4 and 6, for the fiscal year are at any time less than ninety-eight percent or greater than one hundred four percent of the projected deposits for such period or if the actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the current fiscal year, as supplied by the Department of Roads to the board, are less than ninety-eight percent or greater than one hundred four percent of the appropriation for the current fiscal year, the Governor may call a meeting of the board to determine whether the rate shall be changed. If such a change is required, the board shall set the new rate which shall become effective on the first day of the following semiannual period.

(6) Nothing in this section shall be construed to abrogate the duties of the Department of Roads or attempt to change any highway improvement program schedule.

Sec. 12. Section 71-1,144.01, Revised Statutes Supplement, 1999, is amended to read:

71-1,144.01. (1) Commencing in 1984, standards for relicensure for each pharmacist within the State of Nebraska shall require that such pharmacist biennially complete thirty hours of continuing education, as

prescribed in sections 71-1,144.01 to 71-1,144.05.

(2) As used in sections 71-1,144.01 to 71-1,144.05, unless the context otherwise requires:

(a) Continuing education shall mean study in one or more of the general areas of socioeconomic, administrative, managerial, and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology; characteristics and therapeutics of the disease state; and related topics appropriate to the pharmacist in his or her role which are offered by an approved provider but not part of a formal degree program. The activity shall be a planned learning experience designed to promote the continual development of knowledge, skills, and attitudes on the part of the practitioner;

(b) Approved provider shall mean an institution or organization meeting the same quality standards as those established in the Criteria for Quality of the American Council on Pharmaceutical Education;

(c) Continuing education unit shall mean ten contact hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction, and qualified instruction as defined by the American Council on Pharmaceutical Education;

(d) Board shall mean the Board of Pharmacy; and

(e) Department shall mean the Department of Health and Human Services Regulation and Licensure. ~~and~~

~~(f) Committee shall mean the Committee on Continuing Pharmacy Education.~~

Sec. 13. Section 71-1,144.04, Revised Statutes Supplement, 1999, is amended to read:

71-1,144.04. (1) Each pharmacist shall provide a listing of continuing education activities participated in 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 pharmacist 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 shall biennially select, in a random manner, a representative sample of the license renewal applications for audit of continuing education credits. ~~The names, addresses, and a copy of the section of the application form which lists continuing education credits shall be forwarded to the committee which~~ board shall cause the pharmacist to submit certificates or other records of attendance which were received from the approved provider for review by the ~~committee~~ board.

(2) The department, on the recommendation of the board, 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:

(a) The licensee holds a Nebraska license but does not reside or practice pharmacy in Nebraska;

(b) 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;

(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 preceding the license renewal date;

(d) The licensee has been initially licensed by the board within the twenty-four months immediately preceding the license renewal date; and

(e) The licensee has successfully completed two or more semester hours of formal credit instruction biennially offered by an accredited school or college of pharmacy which contributes to meeting the requirements of an advanced degree in pharmacy.

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

Sec. 14. Section 71-1,313, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,313. ~~The board shall have a committee for each of the associated practices of social work, professional counseling, and marriage and family therapy. Each committee shall be composed of three licensed professional members, two who shall represent the respective profession on the board and one who shall represent such profession at large, except that the third member of the social work committee shall be a certified social worker.~~

The board and the department, ~~upon the advice of the appropriate committee,~~ shall adopt and promulgate rules and regulations and administer specific legislative provisions for the respective associated practices of social work, professional counseling, and marriage and family therapy.

~~Each member of the committees shall receive a per diem and be reimbursed for his or her actual and necessary expenses the same as members of the board.~~

Sec. 15. Section 71-1,329, Revised Statutes Supplement, 1998, is amended to read:

71-1,329. (1) A person who applies to the department for certification as a marriage and family therapist within one year or less after September 1, 1994, shall be qualified for such certification if he or she:

(a) Meets the requirements of subsection (2) of this section; or

(b)(i)(A) Provides evidence to the board that he or she has a master's or doctoral degree in marriage and family therapy from an educational program approved by the board or from any program in marriage and family therapy in which the person was enrolled between January 1, 1975, and August 31, 1991; or

(B) Provides evidence to the board that he or she has a master's or doctoral degree in a field determined by the board to be related to marriage and family therapy, such as social work, psychology, sociology, human services, human development, family relations, or counseling, and has been actively engaged in the practice of marriage and family therapy for at least three thousand hours; and

(ii) Provides evidence to the board that he or she has been actually engaged in the practice of marriage and family therapy for at least twenty hours per week for at least three of the seven years prior to making such application.

(2) A person who applies to the department for certification as a marriage and family therapist more than one year after September 1, 1994, shall be qualified for such certification if he or she:

(a) Provides evidence to the board that he or she has a master's or doctoral degree in marriage and family therapy from a program approved by the board or a graduate degree in a field determined by the board to be related to marriage and family therapy and graduate-level course work determined by the board to be equivalent to a master's degree in marriage and family therapy;

(b) Provides evidence to the board that he or she has had at least three thousand hours of experience in marriage and family therapy under a qualified supervisor as defined in subsection (4) of this section following receipt of the graduate degree; and

(c) Completes an application which includes his or her social security number and passes an examination approved by the board.

(3) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice marriage and family therapy, a certificate to practice as a certified marriage and family therapist shall be issued to any applicant who applies to the department for a certificate and satisfies the educational requirements of subsection (1) or (2) of this section. An applicant shall submit all materials as the board or department may require to determine his or her qualifications for a certificate to practice as a certified marriage and family therapist and to determine his or her compliance with the requirements of this section. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified marriage and family therapist under this section.

(4) For purposes of this section:

(a) Actively engaged in the practice of marriage and family therapy may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in marriage and family therapy from a program approved by the board or (ii) services and activities that are classified by title or by description of duties and responsibilities as marriage and family therapy practice;

(b) Qualified supervisor shall mean a licensed mental health practitioner, a psychologist licensed to engage in the practice of psychology, or a licensed physician who meets supervisory standards established by rules and regulations of the board and the department; ~~on the advice of the marriage and family therapy committee;~~ and

(c) Supervision shall mean face-to-face contact between an applicant and a qualified supervisor during which the applicant apprises the supervisor of the diagnosis and treatment of each client, the clients' cases are discussed, the supervisor provides the applicant with oversight and guidance in treating and dealing with clients, and the supervisor evaluates the

applicant's performance. In order for a supervised period of time to be credited toward the time of supervision required by subdivision (2)(b) of this section, it shall consist of the following:

(i) A minimum of a ratio of two hours of supervision per fifteen hours of the applicant's contact with clients;

(ii) Focus on raw data from the applicant's clinical work which is made directly available to the supervisor through such means as written clinical materials, direct observation, and video and audio recordings;

(iii) A process which is distinguishable from personal psychotherapy or didactic instruction; and

(iv) A proportion of individual and group supervision as determined by the rules and regulations of the board.

Sec. 16. Section 71-1917, Revised Statutes Supplement, 1999, is amended to read:

71-1917. The biennial report required under ~~subdivision (11) of section 43-2615~~ section 7 of this act shall include:

(1) The number of license applications received under sections 71-1908 to 71-1917;

(2) The number of licenses issued under such sections;

(3) The number of license applications denied under such sections;

(4) The number of complaints investigated under such sections;

(5) The number of licenses revoked under such sections;

(6) The number and dollar amount of civil penalties levied pursuant to section 71-1915; and

(7) Information which may assist the Legislature in determining the extent of cooperation provided to the department by other state and local agencies pursuant to section 71-1914.

Sec. 17. Section 71-6803, Reissue Revised Statutes of Nebraska, is amended to read:

71-6803. For purposes of the Clinical Laboratories Certification Act, the definitions found in sections ~~71-6804~~ 71-6805 to 71-6815.01 shall be used.

Sec. 18. Section 71-6806, Reissue Revised Statutes of Nebraska, is amended to read:

71-6806. Clinical laboratory technician shall mean any individual who:

(1) Has successfully completed sixty semester hours of academic credit as well as a structured curriculum in medical laboratory techniques at an accredited institution or has an associate degree based on a course of study which includes such subjects from an accredited institution;

(2) Is a high school graduate, or the equivalent thereof, and has completed at least one year in a technician training program in a nationally accredited school;

(3) Is a high school graduate, or the equivalent thereof, and has two years of full-time laboratory experience as a technician trainee in an approved clinical laboratory;

(4) Is a high school graduate, or the equivalent thereof, and has completed an official military medical laboratory procedures course of at least fifty weeks duration and has held the military enlisted occupational speciality of medical laboratory specialist or laboratory technician;

(5) Does not meet the training and experience requirements defined in subdivision (1), (2), (3), or (4) of this section but was performing the duties of a clinical laboratory technician any time between July 1, 1961, and January 1, 1968, or has education which may be substituted for such experience requirement as approved by the department; ~~upon the recommendation of the board;~~ or

(6) Has achieved a satisfactory grade on a proficiency examination approved by the department. ~~upon recommendation of the board.~~

Persons who receive initial qualification as a clinical laboratory technician after July 1, 1991, shall meet the requirements of subdivision (1) or (2) of this section.

Sec. 19. Section 71-6807, Reissue Revised Statutes of Nebraska, is amended to read:

71-6807. Clinical laboratory technologist shall mean any individual who:

(1)(a) Has earned a bachelor's degree in medical technology from an accredited college or university or (b) has successfully completed three years of academic study of a minimum of ninety semester hours, or the equivalent thereof, at an accredited college or university, which hours meet the specific requirements for entrance into an accredited school of medical technology approved by the department, ~~upon recommendation of the board,~~ and has successfully completed at least twelve months of training in such school of

medical technology;

(2) Has earned a bachelor's degree in one of the chemical, physical, or biological sciences and has completed at least one year of full-time laboratory experience or training in the speciality or subspeciality in which the individual performs tests;

(3) Has successfully completed three years or ninety semester hours, or the equivalent thereof, at an accredited college or university with the following distribution of courses:

(a) If training was completed on or before September 14, 1963, at least twenty-four semester hours in chemistry and biology courses of which at least six semester hours were in inorganic chemistry courses and at least twelve semester hours were in biology courses related to the medical sciences; or

(b) If training was completed after September 14, 1963, sixteen semester hours in chemistry courses which included at least six semester hours in inorganic chemistry and which are acceptable toward a major in chemistry, sixteen semester hours in biology courses related to the medical sciences, three semester hours of mathematics, and experience or training covering several fields of medical laboratory work for at least one year and of such quality as to provide him or her with education and training in medical technology equivalent to that described in subdivision (2) of this section;

(4) First qualified as a clinical laboratory technologist prior to July 1, 1971, and:

(a) Performed the duties of a clinical laboratory technologist at any time between July 1, 1961, and January 1, 1968; and

(b) Has had at least ten years of experience prior to January 1, 1968, or education which may be substituted year for year for such experience requirement; or

(5) Has achieved a passing grade on an examination approved by the department. ~~upon the recommendation of the board.~~

Persons who receive initial qualification as a clinical laboratory technologist after July 1, 1991, shall meet the requirements of subdivision (1) or (2) of this section.

Sec. 20. Section 71-6810, Reissue Revised Statutes of Nebraska, is amended to read:

71-6810. Laboratory shall mean an establishment, place, or location where biological, hematological, microbiological, serological, chemical, immunohematological, cytological, pathological, or other examinations of material derived from the human body are conducted for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of the health of humans or for the assessment of the health of humans or an establishment, place, or location that provides transfusion services and bloodbanking.

Locations where such testing is done by oneself, by one's family, or by someone acting in lieu of one's family shall not constitute laboratories under the Clinical Laboratories Certification Act if the tests used in such locations have been determined by the director, ~~upon the recommendation of the board,~~ to have been approved for home use.

Sec. 21. Section 71-6819, Reissue Revised Statutes of Nebraska, is amended to read:

71-6819. (1) The department may issue a certificate to a laboratory upon receipt of evidence of compliance with accreditation or certification requirements of one of the following national accrediting bodies or public agencies if the director determines that the requirements are substantially equivalent to or more comprehensive than the requirements of sections 71-6820 to 71-6822:

(a) The United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or Title XIX of the Social Security Act;

(b) The College of American Pathologists;

(c) The Joint Commission on Accreditation of Health Care Organizations;

(d) The National Institute on Drug Abuse;

(e) The Commission on Office Laboratory Assessment; and

(f) Such other accreditation or certification programs as may be approved by the director. ~~with the consent of the board.~~

(2) If a laboratory has been issued a certificate under subsection (1) of this section and its accreditation or certification is terminated or withdrawn for any reason, it shall notify the department within fifteen days. The laboratory shall cease to operate until it applies for and receives a new certificate pursuant to sections 71-6820 to 71-6822.

Sec. 22. Section 71-6830, Reissue Revised Statutes of Nebraska, is

amended to read:

71-6830. The director, ~~upon the advice of the board,~~ shall adopt and promulgate rules and regulations:

(1) For the administration and enforcement of the Clinical Laboratories Certification Act;

(2) To establish application and certificate forms pursuant to section 71-6816;

(3) To identify accreditation and certification programs pursuant to section 71-6819;

(4) To establish minimum standards governing proficiency testing programs;

(5) To establish minimum standards governing quality assurance programs;

(6) To establish fees; and

(7) To establish reasonable standards in the public interest governing approval of tests for home use as described in section 71-6810. Standards of the Food and Drug Administration may be used as the basis for such standards.

The minimum standards and requirements for the operation of laboratories shall be consistent with and no more or less stringent than the minimum requirements and standards established by sections 71-6820 to 71-6822.

Sec. 23. Section 79-1110, Revised Statutes Supplement, 1999, is amended to read:

79-1110. Sections 79-1110 to ~~79-1183.01~~ 79-1178 shall be known and may be cited as the Special Education Act.

Sec. 24. Section 81-819, Reissue Revised Statutes of Nebraska, is amended to read:

81-819. The Legislative Committee on Intergovernmental Cooperation ~~of the Legislature~~ shall function during the regular sessions of the Legislature and also during the interim periods between such sessions. Its members shall serve until their successors are designated; and it shall constitute for this state the Legislative Council of the American Legislators' Association. ~~The term of each administrative member of the commission shall extend until February 1 next following his appointment and thereafter until his successor is appointed.~~

Sec. 25. Section 81-1609, Reissue Revised Statutes of Nebraska, is amended to read:

81-1609. As used in sections 81-1608 to 81-1626, unless the context otherwise requires:

(1) Office shall mean the State Energy Office;

(2) Contractor shall mean the person or entity responsible for the overall construction of any building or the installation of any component which affects the energy efficiency of the building;

(3) Architect or engineer shall mean any person licensed as an architect or professional engineer under the Engineers and Architects Regulation Act;

(4) Building shall mean any new structure, renovated building, or addition which provides facilities or shelter for public assembly, educational, business, mercantile, institutional, warehouse, or residential occupancies, as well as those portions of factory and industrial facilities which are used primarily for human occupancy, such as office space, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one watt per square foot;

(5) Residential building shall mean a building three stories or less that is used primarily as one or more dwelling units;

(6) Renovation shall mean alterations on an existing building which will cost more than fifty percent of the replacement cost of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included;

(7) Addition shall mean any construction added to an existing building which will increase the floor area of that building by five percent or more;

(8) Floor area shall mean the total area of the floor or floors of a building, expressed in square feet, which is within the exterior faces of the shell of the structure which is heated or cooled;

(9) ~~Board shall mean the Building Energy Conservation Standards Board created by section 81-1610;~~

~~(10)~~ Nebraska Building Energy Conservation Standard shall mean the Model Energy Code, 1983 Edition, of the Council of American Building Officials; and

(10) ~~(11)~~ Traditional energy sources shall mean electricity, petroleum-based fuels, uranium, coal, and all nonrenewable forms of energy.

Sec. 26. Section 81-1611, Reissue Revised Statutes of Nebraska, is amended to read:

81-1611. The Legislature hereby adopts the Model Energy Code, 1983 Edition, of the Council of American Building Officials as the Nebraska Building Energy Conservation Standard. The State Energy Office may, ~~with the approval of the board,~~ adopt regulations specifying alternative standards for building systems, techniques, equipment designs, or building materials that will be considered equivalent to the Nebraska Building Energy Conservation Standard. Regulations specifying alternative standards may be found equivalent to the Nebraska Building Energy Conservation Standard and may be approved for general or limited use if the use of such alternative standards would not result in energy consumption greater than would result from the strict application of the Nebraska Building Energy Conservation Standard.

Sec. 27. Section 81-1612, Reissue Revised Statutes of Nebraska, is amended to read:

81-1612. ~~On or before January 1, 1984, the~~ The State Energy Office, ~~subject to approval of the board,~~ shall adopt and promulgate rules and regulations for implementation and administration of sections 81-1608 to 81-1626. Rules, regulations, or amendments thereto shall be adopted pursuant to the Administrative Procedure Act. ~~7 subject to approval by the board.~~

Sec. 28. Section 81-1616, Reissue Revised Statutes of Nebraska, is amended to read:

81-1616. For purposes of insuring compliance with section 81-1614:

(1) The office, or its authorized agent, may conduct such inspections and investigations as are necessary to make a determination pursuant to section 81-1625 and may issue an order containing and resulting from the findings of such inspections and investigations; and

(2) A building owner may submit a written request that the office undertake a determination pursuant to subdivision (1) of this section. Such request shall include a list of reasons why the building owner believes such a determination is necessary.

A building owner aggrieved by the office's determination, or refusal to make such determination, may appeal such determination or refusal ~~to the Building Energy Conservation Standards Board as provided in the Administrative Procedure Act.~~

The office may charge an amount sufficient to recover the costs of providing such determinations.

Buildings located in a county, city, or village which has adopted the Nebraska Building Energy Conservation Standard or equivalent standard pursuant to section 81-1618, and constructed after the adoption of such standard, shall be exempt from the provisions of this section.

Sec. 29. Section 85-167, Reissue Revised Statutes of Nebraska, is amended to read:

85-167. The Board of Regents of the University of Nebraska ~~is hereby made and constituted the Bessey Memorial Fund Commission,~~ with full power and authority to shall carry into effect the purposes of sections ~~85-166 85-167~~ to 85-171.

Sec. 30. Section 85-169, Reissue Revised Statutes of Nebraska, is amended to read:

85-169. ~~The Bessey Memorial Fund Commission~~ Board of Regents of the University of Nebraska is hereby authorized, empowered, and directed to accept for ~~said fund~~ the Bessey Memorial Fund gifts and bequests of money or property, whether absolutely or subject to reservation of the income thereof either for a stated period, for the life of the donor, or for the life or lives of other persons designated.

Sec. 31. Section 85-170, Reissue Revised Statutes of Nebraska, is amended to read:

85-170. ~~The Bessey Memorial Fund Commission~~ Board of Regents of the University of Nebraska shall from time to time invest and reinvest ~~said fund~~ the Bessey Memorial Fund, as well as all unused increase or accumulations thereof, and all additions to ~~said~~ the fund which may hereafter be made, in the same kind of securities as is now or may hereafter be authorized for investment of funds pursuant to section 72-1246. In all cases hereunder, money shall be paid out by the State Treasurer only on the direction of ~~said commission~~ the Board of Regents, as in cases for the payment of expenses of the university, on appropriation duly made, and all unused funds, together with such securities, shall be in the custody of the State Treasurer.

Sec. 32. Section 85-171, Reissue Revised Statutes of Nebraska, is amended to read:

85-171. ~~The Bessey Memorial Fund Commission~~ Board of Regents of the

University of Nebraska shall, as the ~~fund~~ Bessey Memorial Fund is collected, cause to be paid and distributed the income derived from ~~said~~ the fund annually to such other of the widows and dependents of deceased professors as shall then have acceptably served ~~said~~ the university for a period of at least twenty-five years. In the selection of beneficiaries among whom distribution of the surplus shall be made, the ~~commission~~ Board of Regents shall exercise its best judgment, taking into consideration all the facts and circumstances of the case.

Sec. 33. Original sections 10-127, 39-1110, 39-2201, 71-1,313, 71-6803, 71-6806, 71-6807, 71-6810, 71-6819, 71-6830, 81-819, 81-1609, 81-1611, 81-1612, 81-1616, 85-167, 85-169, 85-170, and 85-171, Reissue Revised Statutes of Nebraska, sections 2-5103, 66-4,144, and 71-1,329, Revised Statutes Supplement, 1998, and sections 18-2147.01, 43-2505, 43-2620, 71-1,144.01, 71-1,144.04, 71-1917, and 79-1110, Revised Statutes Supplement, 1999, are repealed.

Sec. 34. The following sections are outright repealed: Sections 9-1,102, 39-2202, 39-2220, 43-2506, 43-2611 to 43-2614, 71-1,144.02, 71-6804, 71-6829, 72-720, 72-721, 72-722, 77-5101, 77-5103, 77-5104, 79-1502, 81-818, 81-820, 81-821, 81-822, 81-823, 81-1610, 85-166, and 90-405, Reissue Revised Statutes of Nebraska, sections 2-5104, 2-5105, 68-1037.06, 71-5054, 77-5102, 77-5105, and 79-1183.01, Revised Statutes Supplement, 1998, and sections 43-2610 and 43-2615, Revised Statutes Supplement, 1999.