

## LEGISLATIVE BILL 752

Approved by the Governor June 10, 1997

Introduced by Beutler, 28; Brown, 6; at the request of the Governor

AN ACT relating to families; to amend sections 1-116, 7-102, 14-109, 15-217, 16-237, 18-1907, 18-2307, 20-156, 23-810, 23-813, 28-1229, 28-1239.01, 28-1246, 28-1403, 28-1422, 37-202, 37-211, 37-211.01, 37-715, 37-901, 39-2306, 43-2609, 44-101.01, 44-1950, 44-2621, 44-4015, 44-5503, 44-5603, 45-117, 45-346, 45-605, 46-297, 46-637, 46-1229, 46-1231, 48-149, 48-161, 48-418, 48-503, 49-1480, 54-161, 54-850, 54-1161, 54-1176, 54-1704, 54-1904, 54-2002, 60-4, 129, 60-4, 148, 60-4, 171, 60-4, 176, 60-1407, 60-1411.01, 60-2130, 66-483, 66-502, 66-666, 66-6, 106, 66-1521, 69-202, 69-1204, 71-108, 71-1, 132.13, 71-1, 132.37, 71-1, 139, 71-1, 314, 71-1, 319, 71-1, 325, 71-1, 329, 71-201, 71-208.06, 71-209, 71-242, 71-387, 71-3, 137, 71-3, 138.01, 71-3, 152, 71-605, 71-1722, 71-1730, 71-1755, 71-1778, 71-1911, 71-1914, 71-3102, 71-3205, 71-3515.01, 71-3703, 71-4623, 71-4706, 71-4708, 71-5109, 71-5133, 71-5147, 71-5157, 71-5308, 71-5514, 71-5903, 71-6054, 71-6106, 71-6310, 71-6326, 71-6816, 71-7417, 71-7418, 72-303, 75-903, 76-542, 76-546, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2234.01, 77-2612, 77-2705, 77-3002, 77-3003, 77-3707, 79-810, 81-2, 147.10, 81-2, 162.23, 81-885.11, 81-887.02, 81-8, 114, 81-8, 130.01, 81-8, 133.01, 81-8, 196, 81-1521.09, 81-1559, 81-1915, 81-1920, 81-2118, 86-1214, and 89-187.02, Reissue Revised Statutes of Nebraska, and sections 2-1092, 2-1097, 2-10, 100.01, 2-1203.02, 2-2635, 2-2638, 2-2639, 2-2641, 2-3906, 8-1103, 9-1, 104, 9-255.06, 9-255.07, 9-255.09, 9-329.02, 9-330, 9-332, 9-424, 9-632, 9-642.01, 12-1108, 13-2040, 37-503, 37-505, 37-703, 39-2604, 42-364, 43-104.02, 43-512.03, 43-512.12, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904, 45-705, 45-905, 48-1704, 48-2105, 53-124, 60-4, 105, 60-4, 130, 60-4, 146.01, 85-1622, and 88-527, Revised Statutes Supplement, 1996; to adopt the License Suspension Act; to provide for and change provisions relating to enforcement of support orders by subpoena power, access to information, genetic testing, collection of social security numbers, and administrative attachment and bank matching; to adopt the New Hire Reporting Act; to change child support provisions relating to acknowledgment of paternity; to change provisions in paternity actions relating to genetic testing; to harmonize provisions; to provide for severability; and to repeal the original sections.

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

Section 1. Sections 1 to 26 of this act shall be known and may be cited as the License Suspension Act.

Sec. 2. It is the intent of the Legislature to encourage the use of all proven techniques for the enforcement of support orders. The Legislature finds that the potential suspension of a professional, occupational, or recreational license or a motor vehicle operator's license for failure to pay child, spousal, and medical support is an effective technique for the enforcement of support orders, particularly for non-wage-earning and self-employed license holders who are not in compliance with support orders. It is the intent of the Legislature to encourage license holders to comply with their legal obligations and to add to the tools available for the enforcement of support orders. Therefore, the Department of Health and Human Services, county attorneys, authorized attorneys, or courts of competent jurisdiction are authorized to initiate actions under the License Suspension Act against individuals who are not in compliance with support orders.

Sec. 3. For purposes of the License Suspension Act, the definitions found in sections 4 to 13 of this act apply.

Sec. 4. Authorized attorney has the same meaning as found in section 43-1704.

Sec. 5. Child support has the same meaning as found in section 43-1705.

Sec. 6. Medical support has the same meaning as found in section 43-512.

Sec. 7. Operator's license has the same meaning as found in section 60-474 and includes a commercial driver's license as defined in section 60-464 and a restricted commercial driver's license as defined in section 60-476.03

except as specifically provided otherwise in section 18 of this act.

Sec. 8. Professional or occupational license means a license, certificate, registration, permit, or other similar document evidencing admission to or granting authority to engage in a profession or occupation in the State of Nebraska.

Sec. 9. Recreational license means a license, certificate, registration, permit, tag, sticker, or other similar document or identifier evidencing permission to hunt, fish, or trap for furs in the State of Nebraska.

Sec. 10. Relevant licensing authority means a board, bureau, commission, committee, department, political subdivision, or other public or private entity that is authorized under the laws of the State of Nebraska to grant, issue, or renew a professional, occupational, or recreational license.

Sec. 11. Spousal support has the same meaning as found in section

43-1715.

Sec. 12. Support order has the same meaning as found in section

43-1717.

Sec. 13. Support in the definitions of child support, medical support, and spousal support means providing necessary shelter, food, clothing, care, medical support, medical attention, education expenses, or funeral expenses or any other reasonable and necessary expense and includes interest as provided by law.

Sec. 14. (1) When the Director of Health and Human Services or a county attorney or authorized attorney has made reasonable efforts to verify and has reason to believe that a license holder in a case receiving services under Title IV-D of the Social Security Act, as amended, (a) is delinquent on a support order in an amount equal to the support due and payable for more than a three-month period of time, (b) is not in compliance with a payment plan for amounts due as determined by a county attorney, an authorized attorney, or the Department of Health and Human Services for such past-due support, or (c) is not in compliance with a payment plan for amounts due under a support order pursuant to a court order for such past-due support, and therefor determines to certify the license holder to the appropriate licensing authority, the director, county attorney, or authorized attorney shall send written notice to the license holder by certified mail to the last-known address of the license holder or to the last-known address of the license holder available to the court pursuant to section 42-364.13. For purposes of this section, reasonable efforts to verify means reviewing the case file and having written or oral communication with the clerk of the court of competent jurisdiction and with the license holder. Reasonable efforts to verify may also include written or oral communication with custodial parents.

(2) The notice shall specify:

(a) That the Director of Health and Human Services, county attorney, or authorized attorney intends to certify the license holder to the Department of Motor Vehicles and to relevant licensing authorities pursuant to subsection (3) of section 18 of this act as a license holder described in subsection (1) of this section;

(b) The court or agency of competent jurisdiction which issued the support order or in which the support order is registered;

(c) That an enforcement action for a support order will incorporate any amount delinquent under the support order which may accrue in the future;

(d) That a license holder who is in violation of a support order can come into compliance by:

(i) Paying current support; and

(ii) Paying all past-due support or, if unable to pay all past-due support and if a payment plan for such past-due support has not been determined, by making payments in accordance with a payment plan determined by the county attorney, the authorized attorney, or the Department of Health and Human Services for such past-due support; and

(e) That within thirty days after issuance of the notice, the license holder may either:

(i) Request administrative review in the manner specified in the notice to contest a mistake of fact. Mistake of fact means an error in the identity of the license holder or an error in the determination of whether the license holder is a license holder described in subsection (1) of this section; or

(ii) Seek judicial review by filing a petition in the court of competent jurisdiction of the county where the support order was issued or registered or, in the case of a foreign support order not registered in Nebraska, the court of competent jurisdiction of the county where the child resides if the child resides in Nebraska or the court of competent jurisdiction of the county where the license holder resides if the child does

not reside in Nebraska.

Sec. 15. If the license holder makes a timely request for judicial review after receiving a notice under section 14 of this act, the court of competent jurisdiction as specified in subdivision (2)(e)(ii) of section 14 of this act shall have jurisdiction to hear the license holder's petition. Upon the timely notification by the license holder to the Department of Health and Human Services that the license holder is seeking judicial review as provided under this section, the Department of Health and Human Services shall stay the action to certify the license holder to the Department of Motor Vehicles and relevant licensing authorities as a license holder described in subsection (1) of section 14 of this act pending the outcome of judicial review.

Sec. 16. If the license holder makes a timely request for administrative review after receiving a notice under section 14 of this act, the Department of Health and Human Services shall provide an opportunity for a hearing in accordance with the Administrative Procedure Act. The issues that may be determined at the hearing are limited to whether there has been an error in the identity of the license holder or in the determination of whether the license holder is a license holder described in subsection (1) of section 14 of this act. The license holder may raise additional issues, including the reasonableness of a payment plan for a support order, to be preserved for appeal to the district court as provided under the Administrative Procedure Act. The Department of Health and Human Services shall stay the action to certify the license holder to the Department of Motor Vehicles and relevant licensing authorities as a license holder described in subsection (1) of section 14 of this act pending the outcome of the hearing. The Department of Health and Human Services shall notify the license holder of its decision.

Sec. 17. Any person aggrieved by a decision of the Department of Health and Human Services pursuant to section 16 of this act may, upon exhaustion of the procedures for administrative review provided under the Administrative Procedure Act, seek judicial review within ten days after the issuance of notice of the Department of Health and Human Services' decision pursuant to section 16 of this act. Notwithstanding subdivision (2)(a) of section 84-917, proceedings for review shall be instituted by filing a petition in the court of competent jurisdiction of the county where the support order was issued or registered or, in the case of a foreign support order not registered in Nebraska, the court of competent jurisdiction as specified in subdivision (2)(e)(ii) of section 14 of this act.

Sec. 18. (1) The Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction may certify in writing to the Department of Motor Vehicles, relevant licensing authorities, and, if the license holder is a member of the Nebraska State Bar Association, the Nebraska State Bar Association's Counsel for Discipline, that a license holder is a license holder described in subsection (1) of section 14 of this act if:

(a) The license holder does not timely request either administrative review or judicial review upon issuance of a notice under subsection (2) of section 14 of this act, is still a license holder described in subsection (1) of section 14 of this act thirty-one days after issuance of the notice, and does not obtain a written confirmation of compliance from the Department of Health and Human Services, county attorney, or authorized attorney pursuant to section 20 of this act within thirty-one days after issuance of the notice;

(b) The Department of Health and Human Services issues a decision after a hearing that finds the license holder is a license holder described in subsection (1) of section 14 of this act, the license holder is still a license holder described in such subsection thirty-one days after issuance of that decision, and the license holder does not seek judicial review of the decision within the ten-day appeal period provided in section 17 of this act;  
or

(c) The court of competent jurisdiction enters a judgment on a petition for judicial review, initiated under either section 15 or 17 of this act, that finds the license holder is a license holder described in subsection (1) of section 14 of this act.

(2) The court of competent jurisdiction, after providing appropriate notice, may certify a license holder to the Department of Motor Vehicles and relevant licensing authorities if a license holder has failed to comply with subpoenas or warrants relating to paternity or child support proceedings.

(3) If the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction determines to certify a license holder to the appropriate licensing authority, then the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction shall certify a license holder in the following order and in compliance with the following restrictions:

(a) To the Department of Motor Vehicles to suspend the license holder's operator's license, except the Department of Motor Vehicles shall not suspend the license holder's commercial driver's license or restricted commercial driver's license. If a license holder possesses a commercial driver's license or restricted commercial driver's license, the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction shall certify such license holder pursuant to subdivision (b) of this subsection. If the license holder fails to come into compliance with the support order as provided in section 14 of this act or with subpoenas and warrants relating to paternity or child support proceedings within ten working days after the date on which the license holder's operator's license suspension becomes effective, then the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction may certify the license holder pursuant to subdivision (b) of this subsection without further notice;

(b) To the relevant licensing authority to suspend the license holder's recreational license once the Game and Parks Commission has operative the electronic or other automated retrieval system necessary to suspend recreational licenses. If the license holder does not have a recreational license and until the Game and Parks Commission has operative the electronic or other automated retrieval system necessary to suspend recreational licenses, the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction may certify the license holder pursuant to subdivision (c) of this subsection. If the license holder fails to come into compliance with the support order as provided in section 14 of this act or with subpoenas and warrants relating to paternity or child support proceedings within ten working days after the date on which the license holder's recreational license suspension becomes effective, the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction may certify the license holder pursuant to subdivision (c) of this subsection without further notice; and

(c) To the relevant licensing authority to suspend the license holder's professional license, occupational license, commercial driver's license, or restricted commercial driver's license.

(4) If the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction certifies the license holder to the Department of Motor Vehicles, the Department of Motor Vehicles shall suspend the operator's license of the license holder ten working days after the date of certification. The Department of Motor Vehicles shall without undue delay notify the license holder by certified mail that the license holder's operator's license will be suspended and the date the suspension becomes effective. No person shall be issued an operator's license by the State of Nebraska if at the time of application for a license the person's operator's license is suspended under this section. Any person whose operator's license has been suspended shall return his or her license to the Department of Motor Vehicles within five working days after receiving the notice of the suspension. If any person fails to return the license, the Department of Motor Vehicles shall direct any peace officer to secure possession of the operator's license and to return it to the Department of Motor Vehicles. The peace officer who is directed to secure possession of the license shall make every reasonable effort to secure the license and return it to the Department of Motor Vehicles or shall show good cause why the license cannot be returned. An appeal of the suspension of an operator's license under this section shall be pursuant to section 60-4,105. A license holder whose operator's license has been suspended under this section may apply for an employment driving permit as provided by sections 60-4,129 and 60-4,130, except that the license holder is not required to fulfill the driver improvement or driver education and training course requirements of subsection (2) of section 60-4,130.

(5) Except as provided in subsection (6) of this section as it pertains to a license holder who is a member of the Nebraska State Bar Association, if the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction certifies the license holder to a relevant licensing authority, the relevant licensing authority, notwithstanding any other provision of law, shall suspend the license holder's professional, occupational, or recreational license and the license holder's right to renew the professional, occupational, or recreational license ten working days after the date of certification. The relevant licensing authority shall without undue delay notify the license holder by certified mail that the license holder's professional, occupational, or recreational license will be suspended and the date the suspension becomes effective.

(6) If the Director of Health and Human Services, county attorney,

authorized attorney, or court of competent jurisdiction certifies a license holder who is a member of the Nebraska State Bar Association to the Counsel for Discipline of the Nebraska State Bar Association, the Nebraska Supreme Court may suspend the license holder's license to practice law. It is the intent of the Legislature to encourage all license holders to comply with their child support obligations. Therefor, the Legislature hereby requests that the Nebraska Supreme Court adopt amendments to the rules regulating the Nebraska State Bar Association, if necessary, which provide for the discipline of an attorney who is delinquent in the payment of or fails to pay his or her child support obligation.

(7) The Department of Health and Human Services, or court of competent jurisdiction when appropriate, shall send by certified mail to the license holder at the license holder's last-known address a copy of any certification filed with the Department of Motor Vehicles or a relevant licensing authority and a notice which states that the license holder's operator's license will be suspended ten working days after the date of certification and that the suspension of a professional, occupational, or recreational license pursuant to subsection (5) of this section becomes effective ten working days after the date of certification.

Sec. 19. If the license holder files a motion or application to modify a support order, the Department of Health and Human Services, county attorney, or authorized attorney, upon notification by the license holder, shall stay the action to certify the license holder under section 18 of this act until disposition of the motion or application by the court or agency of competent jurisdiction. If the license holder requests review of the support order under section 43-512.12, the Department of Health and Human Services shall stay the action to certify the license holder pending final disposition of the review and modification process.

Sec. 20. (1) When a license holder comes into compliance with the support order as provided in section 14 of this act, the Department of Health and Human Services, county attorney, or authorized attorney shall provide the license holder with written confirmation that the license holder is in compliance.

(2) When a license holder comes into compliance with subpoenas and warrants relating to paternity or child support proceedings, the court of competent jurisdiction shall provide the license holder with written confirmation that the license holder is in compliance.

Sec. 21. (1) Upon presentation by the license holder of a written confirmation of compliance to the Department of Motor Vehicles, the license holder may have his or her operator's license reinstated upon payment of a fee of ninety-five dollars. The Department of Motor Vehicles shall remit the fee to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.

(2) Upon presentation by the license holder of a written confirmation of compliance to the relevant licensing authority and upon payment of any fee which may be prescribed by the relevant licensing authority, the license holder may have his or her professional, occupational, or recreational license reinstated or renewed. The professional, occupational, or recreational license may be automatically reinstated or renewed pursuant to the relevant licensing authority's least restrictive reinstatement or renewal procedure applicable to license suspension, probation, or other licensing authority disciplinary action, except that the license holder must meet any other customary or standard requirement for reinstatement or renewal as required by the relevant licensing authority.

Sec. 22. If a motor vehicle operator's license or a professional, occupational, or recreational license is found to have been suspended erroneously, the license holder shall have his or her license reinstated or renewed without the payment of any reinstatement or renewal fee, but if a fee was paid because of the error, such fee shall be returned to the license holder by the relevant licensing authority.

Sec. 23. The Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out the License Suspension Act.

Sec. 24. The Department of Motor Vehicles and relevant licensing authorities shall provide to the Department of Health and Human Services specified information about license holders in a manner agreed to by the Department of Health and Human Services and the Department of Motor Vehicles or the relevant licensing authority annually on a date determined by the Department of Health and Human Services. The information shall include:

- (1) The name of the license holder;
- (2) The license holder's address of record;
- (3) The license holder's federal employer identification number or

social security number, if available and permissible under law, and the license holder's date of birth:

- (4) The type of license held;
- (5) The effective date of the license or renewal;
- (6) The expiration date of the license; and
- (7) The status of the license as active or inactive.

The Department of Health and Human Services may enter into agreements with the Director of Motor Vehicles and relevant licensing authorities to carry out this section. Such agreements with the Game and Parks Commission with regard to recreational license holders shall only be made when electronic or other automated retrieval systems are available for such information.

Sec. 25. Nothing in the License Suspension Act shall prevent the Department of Health and Human Services, the county attorney, the authorized attorney, or the court of competent jurisdiction from taking other enforcement actions.

Sec. 26. The Director of Health and Human Services shall issue a report to the Legislature on or before January 31 of each year which discloses the number of professional, occupational, or recreational licenses which were suspended and the number which were erroneously suspended and restored as a result of the License Suspension Act for the prior year. The Director of Motor Vehicles shall issue a report to the Legislature on or before January 31 of each year which discloses the number of operators' licenses which were suspended and the number which were erroneously suspended and restored as a result of the License Suspension Act for the prior year.

Sec. 27. (1) For purposes of this section:

(a) Authorized attorney has the same meaning as in section 43-1704;  
(b) Genetic testing means genetic testing ordered pursuant to section 43-1414; and

(c) Support order has the same meaning as in section 43-1717.

(2) Notwithstanding any other provision of law regarding the confidentiality of records, the Director of Health and Human Services, a county attorney, or an authorized attorney may, without obtaining a court or administrative order:

(a) Compel by subpoena (i) information relevant to establishing, modifying, or enforcing a support order and (ii) genetic testing of an individual relevant to establishing, modifying, or enforcing a support order. Such information includes, but is not limited to, relevant financial records and other relevant records including the name, address, and listing of financial assets or liabilities from public or private entities. If a person fails or refuses to obey the subpoena, the director, a county attorney, or an authorized attorney may apply to a judge of the court of competent jurisdiction for an order directing such person to comply with the subpoena. Failure to obey such court order may be punished by the court as contempt of court; and

(b) Obtain access to information contained in the records, including automated data bases, of any state or local agency which is relevant to establishing, modifying, or enforcing a support order or to ordering genetic testing. Such records include, but are not limited to, vital records, state and local tax and revenue records, titles to real and personal property, employment security records, records of correctional institutions, and records concerning the ownership and control of business entities.

(3) The Director of Health and Human Services shall subpoena or access information as provided in subsection (2) of this section at the request of a state agency of another state which administers Title IV-D of the federal Social Security Act for such information. The Department of Health and Human Services may charge a fee for this service which does not exceed the cost of providing the service.

(4) All information acquired pursuant to this section is confidential and cannot be disclosed or released except to other agencies which have a legitimate and official interest in the information for carrying out the purposes of this section. A person who receives such information, subject to the provisions of this subsection on confidentiality and restrictions on disclosure or release, is immune from any civil or criminal liability. A person who cooperates in good faith by providing information or records under this section is immune from any civil or criminal liability. Any person acquiring information pursuant to this section who discloses or releases such information in violation of this subsection is guilty of a Class III misdemeanor. The disclosure or release of such information regarding an individual is a separate offense from information disclosed or released regarding any other individual.

Sec. 28. It is the intent of the Legislature to encourage the use

of all proven techniques for the enforcement of support orders. It is also the intent of the Legislature to effectuate reasonable welfare reform and to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Legislature finds and declares that a bank match system and the potential for an administrative attachment of personal assets of an obligor held by a payor or held by a financial institution is an effective tool for the collection of unpaid support from obligors who are not in compliance with support orders. It is the intent of the Legislature to encourage obligors to comply with their legal obligations and to add to the tools available for the enforcement of support orders by authorizing the Department of Health and Human Services and county attorneys or authorized attorneys to initiate bank match actions and administrative attachments as described in sections 28 to 39 of this act.

Sec. 29. For purposes of sections 28 to 39 of this act, the following definitions apply:

(1) Account means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account;

(2) Authorized attorney has the same meaning as found in section 43-1704;

(3) Child support has the same meaning as found in section 43-1705;

(4) Department means the Department of Health and Human Services;

(5) Director means the Director of Health and Human Services or his or her designee and, if the director designates, includes a county attorney or authorized attorney;

(6) Financial institution means every federal or state commercial or savings bank, including savings and loan associations and cooperative banks, federal or state chartered credit unions, benefit associations, insurance companies, safe deposit companies, any money-market mutual fund as defined in section 851(a) of the Internal Revenue Code that seeks to maintain a constant net asset value of one dollar in accordance with 17 C.F.R. 270.2a-7, any broker, brokerage firm, trust company, or unit investment trust, or any other similar entity doing business or authorized to do business in the State of Nebraska;

(7) Match means a comparison by automated or other means by name and social security number of a list of obligors provided to a financial institution by the Department of Health and Human Services and a list of depositors of any financial institution;

(8) Medical support has the same meaning as found in section 43-512;

(9) Obligor means a person who owes a duty of support pursuant to a support order;

(10) Payor includes a person, partnership, limited partnership, limited liability partnership, limited liability company, corporation, or other entity doing business or authorized to do business in the State of Nebraska, including a financial institution, or a department or an agency of state, county, or city government;

(11) Spousal support has the same meaning as found in section 43-1715;

(12) Support in the definitions of child support, medical support, and spousal support means providing necessary shelter, food, clothing, care, medical support, medical attention, education expenses, or funeral expenses or any other reasonable and necessary expense and includes interest as provided by law; and

(13) Support order has the same meaning as found in section 43-1717.

Sec. 30. A financial institution shall receive from the department a listing of obligors to be used in matches within the financial institution's system. The listing from the department shall include the name and social security number or taxpayer identification number of each obligor to be used in matches within the financial institution's system. The financial institution shall receive the listing within thirty days after the end of each calendar quarter subsequent to January 1, 1998, and shall match the listing to its records of accounts held in one or more individuals' names which are open accounts and such accounts closed within the preceding calendar quarter within thirty days after receiving the listing and provide the department with a match listing of all matches made within five working days of the match. The match listing from the financial institution shall include the name, address, and social security number or taxpayer identification number of each obligor matched. The financial institution shall also provide the names and addresses of all other owners of accounts in the match listing as reflected on a signature card or other similar document on file with the financial institution. The financial institution shall submit all match listings by disk, magnetic tape, or other medium approved by the department. Nothing in

this section shall (1) require a financial institution to disclose the account number assigned to the account of any individual or (2) serve to encumber the ownership interest of any person in or impact any right of setoff against an account. The financial institution shall maintain the confidentiality of all records supplied and shall use the records only for the purposes of this section. To maintain the confidentiality of the listing and match listing, the department shall implement appropriate security provisions for the listing and match listing which are as stringent as those established under the Federal Tax Information Security Guidelines for federal, state, and local agencies.

Sec. 31. A financial institution is not liable under any state or local law to any individual or to the department for disclosure or release of information to the department for the purpose of establishing, modifying, or enforcing a support order or for any other action taken in good faith to comply with the requirements of section 30 of this act. Sections 28 to 39 of this act shall not be construed to make a financial institution responsible or liable to any extent for assuring that the department maintains the confidentiality of information disclosed under section 30 of this act.

Sec. 32. A financial institution may charge a reasonable fee, not to exceed actual cost, to be paid by the department for the service of reporting matches as required by section 30 of this act and may charge a fee, not to exceed actual cost, to be paid by the department for the necessary upgrades to an existing system that are directly related to compliance with section 30 of this act and that have been approved by the department.

Sec. 33. (1) In a case which is receiving services under Title IV-D of the federal Social Security Act, as amended, when the director has made reasonable efforts to verify and has reason to believe payment on a support order is in arrears in an amount equal to the support due and payable for more than a three-month period of time or upon the request of the state agency of another state which administers Title IV-D of the federal Social Security Act, and therefor determines to seize an obligor's property, the director shall send written notice to the obligor by first-class mail to the last-known address of the obligor or to the last-known address of the obligor available to the court pursuant to section 42-364.13. For purposes of this section, reasonable efforts to verify means reviewing the case file and having written or oral communication with the clerk of the district court.

(2) The notice of arrearage shall:

(a) Specify the court or agency which issued the support order;  
(b) Specify the arrearage under the support order which the obligor owes as of the date of the notice or other date certain.

(c) Specify that any enforcement action will incorporate any arrearage which may accrue in the future;

(d) State clearly, "Your property may be seized without further notice if you do not respond or clear up the arrearage"; and

(e) Specify that within twenty days after the notice is mailed, the obligor may request, in writing, a hearing to contest a mistake of fact. For purposes of this section, mistake of fact means an error in the amount of the arrearage or an error in the identity of the obligor.

(3) If the obligor files a written request for a hearing based upon a mistake of fact within twenty days after the notice is mailed, the department shall provide an opportunity for a hearing and shall stay enforcement action under sections 33 to 37 of this act until the administrative appeal process is completed.

Sec. 34. (1) The director may send a payor an order to withhold and deliver specifically identified property of any kind due, owing, or belonging to an obligor if (a) the director has reason to and does believe that there is in the possession of the payor property which is due, owing, or belonging to an obligor, (b) payment on a support order is in arrears, (c) the director sent a notice of arrearage to the obligor pursuant to section 33 of this act at least thirty days prior to sending the notice to withhold and deliver, and (d) no hearing was requested or after a hearing the department determined that an arrearage did exist or that there was no mistake of fact.

(2) The order to withhold and deliver shall state that notice has been mailed to the obligor in accordance with the requirements of subdivision (1)(c) of this section and that the obligor has not requested a hearing or, after a hearing, the department has determined that an arrearage exists or that there was no mistake of fact, the amount in arrears, the social security number of the obligor, the court or agency to which the property is to be delivered, instructions for transmitting the property, and information regarding the requirements found in subsection (3) of this section. The order shall include written questions regarding the property of every description, including whether or not any other person has an ownership interest in the



property, and the credits of the obligor which are in the possession or under the control of the payor at the time the order is received.

(3) Upon receipt of an order to withhold and deliver, a payor shall:

(a) Hold property subject to the order to the extent of the amount of the arrearage stated in the order until the payor receives further notice from the director;

(b) Answer all of the questions asked of the payor in the order, supply the name and address of any person that has an ownership interest in the property sought to be reached, and return such information to the director within five business days after receiving the order; and

(c) Upon further notice from the director, deliver any property which may be subject to the order to the court or agency designated in the order or release such property or portion thereof.

(4) An order to withhold and deliver shall have the same priority as a garnishment for the support of a person pursuant to subsection (4) of section 25-1056.

(5) If the payor is a financial institution, such financial institution may deduct and retain a processing fee from any amounts turned over to the department under this section. The processing fee shall not exceed ten dollars for each account turned over to the department.

Sec. 35. (1) Within five days after the issuance of the order to withhold and deliver, the director shall send written notice to the obligor by first-class mail. The notice shall be dated and shall specify the payor to which an order to withhold and deliver was sent, the amount due, the steps to be followed to release the property, the time period in which to respond to such notice, and the court or agency of competent jurisdiction which issued the support order.

(2) The obligor may request a hearing to contest a mistake of fact by sending a written request to the director within seven days after the date of the notice. The department shall provide an opportunity for a hearing within ten days after receipt of the written request and shall stay enforcement actions under sections 33 to 37 of this act until the administrative appeal process is completed.

Sec. 36. (1) If, after receiving the information from the payor in subdivision (3)(b) of section 34 of this act, the director has knowledge that another person has an ownership interest or may claim an ownership interest in any property sought to be reached which is in the possession or under the control of the payor as the property of the obligor, the director shall send written notice to such person or persons by certified mail, return receipt requested. The notice shall be dated and shall specify why the order to withhold and deliver was issued, the payor to which the order to withhold and deliver was sent, and that the person has a right to request a hearing by the department within fifteen days after the date of the notice to establish that the property or any part thereof is not the property of the obligor. The department shall provide an opportunity for hearing to a person making such request and shall stay enforcement actions under sections 33 to 37 of this act until the administrative appeal process is completed.

(2) Any person other than the obligor claiming an ownership interest in any property sought to be reached which is in the possession or under the control of the payor as the property of the obligor has a right to timely request a hearing by the department to establish that the property or any part thereof is not the property of the obligor. The department shall provide an opportunity for hearing to a person making such request and shall stay enforcement actions under sections 33 to 37 of this act until the administrative appeal process is completed. If the property or any part of the property which is in the possession or under the control of the payor is not the property of the obligor, the payor is discharged as to that property which is not the obligor's.

Sec. 37. (1) If a payor fails or refuses to withhold or deliver property subject to an order to withhold and deliver, judgment may be entered by the court which issued or registered the support order for the amount of the arrearages stated in the order or the amount of the property or credits of the obligor in the possession or under the control of the payor at the time the order to withhold and deliver was received, whichever is less, unless the payor can show cause as to why the property was not withheld or delivered.

(2) Compliance with the order by the payor operates as a discharge of the payor's liability to the obligor or beneficiary as to the portion of the obligor's property withheld or delivered.

(3) A payor is not liable to any individual or to the department for responding to an order to withhold and deliver or for holding, refusing to release to the obligor, or delivering any property of an obligor in compliance with an order to withhold and deliver or for any other action taken in good

faith to comply with the requirements of sections 28 to 39 of this act regardless of whether such action was specifically authorized or described by such sections.

Sec. 38. Any person aggrieved by a determination of the department under sections 28 to 39 of this act, upon exhaustion of the procedures for administrative review provided in such sections, or the director may seek judicial review in the court in which the support order was issued or registered.

Sec. 39. The department shall adopt and promulgate rules and regulations to carry out sections 28 to 39 of this act.

Sec. 40. Sections 40 to 47 of this act shall be known and may be cited as the New Hire Reporting Act.

Sec. 41. For purposes of the New Hire Reporting Act:

(1) Date of hire means the day an employee begins employment with an employer;

(2) Department means the Department of Health and Human Services;

(3) Employee means any person who is compensated by or receives income from an employer or other payor, regardless of how such income is denominated;

(4) Employer means any individual, partnership, limited liability company, firm, corporation, association, political subdivision, or department or agency of the state or federal government, labor organization, or any other entity with an employee;

(5) Income means compensation paid, payable, due, or to be due for labor or personal services, whether denominated as wages, salary, earnings, income, commission, bonus, or otherwise;

(6) Payor includes a person, partnership, limited partnership, limited liability partnership, limited liability company, corporation, or other entity doing business or authorized to do business in the State of Nebraska, including a financial institution, or a department or an agency of state, county, or city government; and

(7) Rehire means the first day an employee begins employment with the employer following a termination of employment with such employer. Termination of employment does not include temporary separations from employment, such as an unpaid medical leave, an unpaid leave of absence, a temporary layoff, or an absence for disability or maternity.

Sec. 42. (1) Beginning October 1, 1997, employers who hire or rehire any employee, for any amount of income or compensation, shall report to the department within the time period specified in subsection (2) of this section the name, address, and social security number of that employee and the name, address, and federal tax identification number of the employer. Employers shall transmit the required information to the department by forwarding a copy of the employee's federal W-4 or any form approved in advance by the department. Employers may transmit the required information by first-class mail, fax, magnetic tape, disc, or electronic or any other means approved by the department.

(2) Employers shall report the hire or rehire of employees (a) within twenty days after the date of hire or rehire or (b) if reports are transmitted magnetically or electronically, by two monthly transmissions, if necessary, which are not less than twelve days or more than sixteen days apart.

Sec. 43. An employer shall not be liable under any state law to any individual for disclosure of information or any other action taken in good faith compliance with the New Hire Reporting Act.

Sec. 44. An employer that has employees who are employed in two or more states and that transmits reports magnetically or electronically may comply with the New Hire Reporting Act by designating one of such states in which the employer has employees as the state to which the employer will transmit the report described in section 42 of this act. Any Nebraska employer that transmits reports pursuant to this section shall notify the Director of Health and Human Services in writing of the state which such employer designates for the purpose of transmitting reports.

Sec. 45. On and after October 1, 1998, the department may levy a fine not to exceed twenty-five dollars for each employee not reported by the employer to the department. The department shall determine whether or not to levy a fine based upon the good faith efforts of an employer to comply with the New Hire Reporting Act. The department shall remit any money collected pursuant to this section to the State Treasurer for credit to the permanent school fund.

Sec. 46. The Director of Health and Human Services shall issue a report to the Legislature on or before January 31 of each year which discloses the number of employees reported to the department and the number of matches

during the preceding calendar year for purposes of the New Hire Reporting Act.

Sec. 47. The department shall adopt and promulgate rules and regulations to carry out the New Hire Reporting Act.

Sec. 48. (1) To aid child support enforcement pursuant to federal law, 42 U.S.C. 666(a), the social security numbers of the following individuals shall be recorded on the application, in the court records, or on the death certificate, as appropriate:

(a) Any applicant for a professional license, commercial driver's license, occupational license, or marriage license;

(b) Any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment; and

(c) Any individual who has died.

(2) The Department of Health and Human Services shall adopt and promulgate rules and regulations which provide a procedure for the collection of the social security numbers recorded pursuant to this section and for the use of such numbers in the child support enforcement as provided in 42 U.S.C. 666(a).

Sec. 49. Section 1-116, Reissue Revised Statutes of Nebraska, is amended to read:

1-116. (1) Prior to January 1, 1998, a person shall be eligible to take the examination without waiting until he or she meets the experience requirements as long as he or she also meets the requirements of subdivision (1)(a) of section 1-114.

(2) Any person making initial application on or after January 1, 1998, to take the examination shall have completed at least one hundred fifty semester hours or two hundred twenty-five quarter hours of postsecondary academic credit and shall have earned a baccalaureate or higher degree from a college or university accredited by the North Central Association of Colleges and Universities or a similar agency as determined to be acceptable by the board. The person shall demonstrate that accounting, auditing, business, and other subjects at the appropriate academic level as required by the board are included within the required hours of postsecondary academic credit. The board shall not prescribe the specific curricula of colleges or universities. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 50. Section 2-1092, Revised Statutes Supplement, 1996, is amended to read:

2-1092. All growers in the State of Nebraska shall conform to the following requirements:

(1) Each grower shall apply for a grower's license, on forms furnished by the department, prior to March 15 for the following fiscal year. The application shall include the applicant's social security number. Each fiscal year shall begin on October 1;

(2) All grower's licenses shall expire on September 30 each year unless previously revoked;

(3) Prior to license issuance, all applicants shall submit an inspection fee, not to exceed twenty-five dollars per acre inspected, as set forth in the rules and regulations;

(4) Applications not received prior to April 15 and initial applications not received prior to beginning distribution shall be considered delinquent and shall have an inspection fee of all actual costs assessed to the person making the application, not to exceed thirty-five dollars per acre inspected, fifty cents per mile traveled for the purpose of inspection, and twenty-five dollars per hour for travel and inspection time, as set forth in the rules and regulations;

(5) A copy of the valid grower's license shall be posted in a conspicuous place at the distribution location; and

(6) Each grower shall post sign markers which delineate sections of nursery stock. A section shall be no larger than five acres.

Sec. 51. Section 2-1097, Revised Statutes Supplement, 1996, is amended to read:

2-1097. Every dealer shall conform to the following requirements:

(1) Each dealer shall apply for a dealer's license, on forms furnished by the department, prior to December 31 for the following calendar year;

(2) A dealer's license shall expire on December 31 each year unless previously revoked;

(3) All applications shall be accompanied by a fee not to exceed one hundred dollars as set forth in the rules and regulations and, if the applicant is an individual, shall include the applicant's social security number;

(4) Applications not received prior to February 1 and initial

applications not received prior to beginning distribution shall be considered delinquent and shall have an additional delinquent fee assessed of twenty percent per month of the total amount of the fee for the license, not to exceed one hundred percent;

(5) A copy of the valid dealer's license shall be posted in a conspicuous place at the distribution location; and

(6) Every dealer distributing nursery stock from more than one location shall secure a dealer's license for each distribution location.

Sec. 52. Section 2-10,100.01, Revised Statutes Supplement, 1996, is amended to read:

2-10,100.01. Every broker shall conform to the following requirements:

(1) On or before December 31, 1993, and prior to each December 31 thereafter, a broker shall apply for a broker's license for the following calendar year;

(2) A broker's license shall expire on December 31 each year unless previously revoked;

(3) All applications shall be accompanied by a fee of fifty dollars until the director determines the fee shall be increased. Such fee shall not exceed one hundred dollars. All fee changes shall be set forth in the rules and regulations adopted and promulgated by the department. If the applicant is an individual, the application shall include the applicant's social security number; and

(4) The broker's license shall be made available to the department upon request.

Sec. 53. Section 2-1203.02, Revised Statutes Supplement, 1996, is amended to read:

2-1203.02. (1) Any person applying for or holding a license to participate in or be employed at a horserace meeting licensed by the State Racing Commission shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation for the purpose of determining whether the commission has a basis to deny the license application or to suspend, cancel, or revoke the person's license, except that the commission shall not require a person to be fingerprinted if such person has been previously fingerprinted in connection with a license application in this state or any other state within the last five years prior to the application for such license. Any person involved in the administration or management of a racetrack, including the governing body, shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation. The applicant, licensee, or person involved in the administration or management of a racetrack shall pay the actual cost of any fingerprinting or check of his or her criminal history record information. The requirements of this section subsection shall not apply to employees of concessions who do not work in restricted-access areas, admissions employees whose duties involve only admissions ticket sales and verification or parking receipts sales and verification, and medical or emergency services personnel authorized to provide such services at the racetrack.

(2) If the applicant is an individual who is applying for a license to participate in or be employed at a horserace meeting, the application shall include the applicant's social security number.

Sec. 54. Section 2-2635, Revised Statutes Supplement, 1996, is amended to read:

2-2635. (1) Except as provided in subsection (2) of this section, a person shall not distribute at wholesale or retail or possess pesticides with an intent to distribute them without a pesticide dealer license for each distribution location. Any manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his, her, or its principal out-of-state location or outlet.

(2) The requirements of subsection (1) of this section shall not apply to:

(a) A commercial applicator or noncommercial applicator licensed under sections 2-2636 to 2-2642 who uses restricted-use pesticides only as an integral part of a pesticide application service and does not distribute any unapplied pesticide;

(b) A federal, state, county, or municipal agency using restricted-use pesticides only for its own program;

(c) Persons who sell only pesticide products in containers holding fifty pounds or less by weight or one gallon or less by volume and do not sell any restricted-use pesticides or bulk pesticides; or

(d) Persons who sell only general-use specialty pesticides.

(3) A pesticide dealer may distribute restricted-use pesticides only to a certified applicator, a licensed pesticide dealer, or, under rules and regulations adopted by the department, a person who is not a certified applicator for application by a certified applicator.

(4) A pesticide dealer license shall expire on December 31 of each year, unless it is suspended or revoked before that date. Such license shall not be transferable to another person or location and shall be prominently displayed to the public in the pesticide dealer's place of business.

(5) If the pesticide dealer has had a license suspended or revoked, or has otherwise had a history of violations of the Pesticide Act, the department may require an additional demonstration of dealer qualifications prior to issuance or renewal of a license to such person.

(6) Application for an initial pesticide dealer license shall be submitted to the department within thirty days after January 1, 1994, or prior to commencing business as a pesticide dealer. Application for renewal of a pesticide dealer license shall be submitted to the department by January 1 of each year. All applications shall be accompanied by an annual license fee of fifty dollars. The fee may be increased or decreased by the director after a public hearing is held outlining the reason for any proposed change in the fee. In no event shall the fee exceed one hundred dollars per license. Application shall be on a form prescribed by the department and shall include the full name of the person applying for such license. If such applicant is an individual, the application shall include the applicant's social security number. If such applicant is a partnership, limited liability company, association, corporation, or organized group of persons, the full name of each member of the firm, partnership, or limited liability company or of the principal officers of the association or corporation shall be given on the application. Such application shall further state the address of each outlet to be licensed, the principal business address of the applicant, the name of the person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the department.

An applicant located outside this state shall file with the department a written instrument designating a resident agent for service of process in actions taken in the administration and enforcement of the act. In lieu of designating a resident agent, the applicant may designate the Secretary of State as the recipient of service of process for the applicant in this state.

If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee equal to twenty-five percent of the fee due and owing per month, not to exceed one hundred percent, shall be paid by the applicant before the license may be issued.

An application for a duplicate pesticide dealer's license shall be accompanied by a nonrefundable application fee of ten dollars.

(7) Each licensed pesticide dealer shall be responsible for the acts of each person employed by him or her in the solicitation and distribution of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, modification, or revocation after a hearing for any violation of the act, whether committed by the dealer or by the dealer's officer, agent, or employee.

(8) The department shall require each pesticide dealer to maintain records of the dealer's purchases and distribution of all restricted-use pesticides and may require such records to be kept separate from other business records. The department may prescribe by rules and regulations the information to be included in the records. The dealer shall keep such records for a period of three years and shall provide the department access to examine such records and a copy of any record on request.

Sec. 55. Section 2-2638, Revised Statutes Supplement, 1996, is amended to read:

2-2638. (1) An individual who applies restricted-use pesticides to the land of another person for hire or compensation shall apply to the department for a commercial applicator license issued for the categories and subcategories in which the pesticide application is to be made.

(2) Any person who applies lawn care or structural pest control pesticides to the land of another person for hire or compensation shall apply to the department for a commercial applicator license, regardless of whether such business applies any restricted-use pesticide.

(3) Application for an original or renewal commercial applicator license shall be on forms prescribed by the department. The application shall include information as required by the director and be accompanied by a

license fee of ten dollars. If the applicant is an individual, the application shall include the applicant's social security number. The fee may be increased or decreased by the director after a public hearing is held outlining the reasons for any proposed change. In no event shall the fee exceed twenty-five dollars per license.

(4) The department may deny a commercial applicator license if it has determined that:

(a) The applicant has had a license as a certified applicator issued by this state or another state revoked within the last two years;

(b) The applicant has been unable to satisfactorily fulfill licensing requirements;

(c) The applicant for any other reason cannot be expected to be able to fulfill the provisions of the Pesticide Act applicable to the category for which application is made; or

(d) An applicant for an original commercial applicator license has not passed an examination under sections 2-2637 and 2-2640.

(5) An individual to whom a commercial applicator license is issued shall be a certified applicator authorized to use restricted-use pesticides in the categories and subcategories in which the individual is licensed.

(6) As a condition to issuance of a commercial applicator license, an applicant located outside this state shall file with the department a written instrument designating a resident agent for service of process in actions taken in the administration and enforcement of the act. In lieu of designating a resident agent, the applicant may designate in writing the Secretary of State as the recipient of service of process for the applicant in this state.

(7) Any person who operates a business that applies pesticides to the land of another person for hire or compensation shall be responsible for the acts of each certified applicator employed by him or her in the application of a pesticide. Such person shall be subject to the same penalties and violations as the applicator.

Sec. 56. Section 2-2639, Revised Statutes Supplement, 1996, is amended to read:

2-2639. (1) A noncommercial applicator shall apply to the department for a noncommercial applicator license issued for the categories and subcategories in which the pesticide application is to be made.

(2) Application for an original or renewal noncommercial applicator license shall be on forms prescribed by the department. If the applicant is an individual, the application shall include the applicant's social security number. The department shall not charge a noncommercial applicant a license fee.

(3) The director shall not issue an original noncommercial applicator license before the applicant has passed an examination under sections 2-2637 and 2-2640.

(4) A person to whom a noncommercial applicator license is issued shall be a certified applicator authorized to use restricted-use pesticides in the categories and subcategories in which the individual is licensed.

(5) As a condition to issuance of a noncommercial applicator license, an applicant located outside this state shall file with the department a written instrument designating a resident agent for service of process in actions taken in the administration and enforcement of the Pesticide Act. In lieu of designating a resident agent the applicant may designate in writing the Secretary of State as the recipient of service of process for the applicant in this state.

Sec. 57. Section 2-2641, Revised Statutes Supplement, 1996, is amended to read:

2-2641. (1) A person shall be deemed to be a private applicator if the person uses a restricted-use pesticide for the purpose of producing an agricultural commodity:

(a) On property owned or rented by the person or person's employer or under the person's general control; or

(b) On the property of another person if applied without compensation other than the trading of personal services between producers of agricultural commodities.

(2) An employee shall qualify as a private applicator under subdivision (1)(a) of this section only if he or she provides labor for the pesticide application but does not provide the necessary equipment or pesticides.

(3) Every person applying for a license as a private applicator shall (a) undertake a training session approved by the department or (b) pass an examination showing that the person is properly qualified to perform functions associated with pesticide application to a degree directly related

to the nature of the activity and the associated responsibility. If the applicant is an individual, the application shall include the applicant's social security number.

(4) The department shall not charge a license fee for a private applicator license.

Sec. 58. Section 2-3906, Revised Statutes Supplement, 1996, is amended to read:

2-3906. (1) As a condition precedent to the issuance of a permit issued pursuant to the Nebraska Pasteurized Milk Law, and on or before August 1 of each year thereafter, the following described permit fees shall be paid to the department:

Milk Plant .....	\$100.00
Receiving Station .....	100.00
Plant Fabricating Single-Service Articles .....	100.00
Milk Distributor .....	75.00
Transfer Station .....	50.00
Milk Hauler .....	25.00
Milk Producer .....	No Fee

(2) If the applicant is an individual, the application for a permit shall include the applicant's social security number.

(3) ~~(2)~~ All raw milk produced on farms or pasteurized in plants holding permits issued under the Nebraska Pasteurized Milk Law shall be subject to the payment of inspection fees as prescribed in subsections ~~(3) to (6)~~ (4) through (7) of this section. All fees shall be paid on or before the fifteenth of the month for milk produced or processed during the preceding month. Inspection fees for milk pasteurized outside of Nebraska shall be paid by the person shipping such raw milk outside the state. Inspection fees for milk pasteurized within Nebraska shall be paid by the plant pasteurizing such raw milk.

~~(4) (3)~~ The inspection fee on raw milk produced on a Grade A farm holding a permit issued under the Nebraska Pasteurized Milk Law and pasteurized at a Grade A plant holding a permit issued under such law shall be three cents per hundredweight of raw milk pasteurized.

~~(5) (4)~~ The inspection fee on raw milk produced on a Grade A farm holding a permit issued under the Nebraska Pasteurized Milk Law and pasteurized at a manufacturing milk plant shall be two and one-half cents per hundredweight of raw milk pasteurized in Nebraska, or per hundredweight of raw milk shipped from Nebraska, as appropriate.

~~(6) (5)~~ The inspection fee on raw milk produced on a Grade A farm holding a permit issued under the Nebraska Pasteurized Milk Law and pasteurized at a plant located outside of Nebraska shall be two and one-half cents per hundredweight of raw milk shipped from Nebraska.

~~(7) (6)~~ The inspection fee on raw milk produced on a Grade A farm not holding a permit issued under the Nebraska Pasteurized Milk Law and pasteurized at a Grade A plant holding a permit issued under such law shall be three-fourths of one cent per hundredweight of raw milk pasteurized.

~~(8) (7)~~ If any person required to have a permit pursuant to the Nebraska Pasteurized Milk Law has been operating prior to applying for a permit, an additional fee of one hundred dollars shall be paid upon application.

Sec. 59. Section 7-102, Reissue Revised Statutes of Nebraska, is amended to read:

7-102. The Supreme Court shall fix times when examination shall take place, which may be either in term or vacation, and shall prescribe and publish rules to govern such examinations and may appoint a commission composed of not less than three persons learned in the law to assist in or conduct any such examination or examinations. But no person shall be admitted to the bar unless such person is at least twenty-one years of age, and of good moral character, and unless such person either has had a preliminary education, other than legal, equivalent to that involved in the completion of the first three years of a high school course accredited by the state department of public instruction and has regularly and attentively studied law in a reputable law school or in the office of a practicing attorney, or partly in such school and partly in such office, for a period of at least three years, at least one year of which office study shall have been passed in a law office in this state, or shall have been the regular, qualified and acting clerk of the Supreme Court or any district court of this state for at least eight years, and shall pass a satisfactory examination upon the principles of the common law, equity, criminal law, statutes and practice of this state; or is a regular graduate of the College of Law of the University of Nebraska or of such other college of law of this state having entrance requirements and a course of study equal to and equivalent to those of the law school of the

University of Nebraska, as the Supreme Court shall, upon application and showing, designate as a college of law whose graduates shall be entitled to admission without examination. Such ~~PROVIDED, such~~ other college of law shall be a member of the Association of American Law Schools. Provision shall be made, by rule of court, for the registration of students in law offices in this state, at the beginning of their respective terms of study in the office of the Clerk of the Supreme Court or the office of the clerk of the district court in the county in which any such law office is located. The application for admission to the bar shall include the applicant's social security number.

Sec. 60. Section 8-1103, Revised Statutes Supplement, 1996, is amended to read:

8-1103. (1) It shall be unlawful for any person to transact business in this state as a broker-dealer, issuer-dealer, or agent, except in certain transactions exempt under section 8-1111, unless he or she is registered under the Securities Act of Nebraska. It shall be unlawful for any broker-dealer to employ an agent for purposes of effecting or attempting to effect transactions in this state unless the agent is registered. It shall be unlawful for an issuer to employ an agent unless the issuer is registered as an issuer-dealer and unless the agent is registered. The registration of an agent shall not be effective unless the agent is employed by a broker-dealer or issuer-dealer registered under the act. When the agent begins or terminates employment with a registered broker-dealer or issuer-dealer, the broker-dealer or issuer-dealer shall promptly notify the director.

(2) It shall be unlawful for any person to transact business in this state as an investment adviser or as an investment adviser representative unless (a) he or she is registered under the act, (b) he or she is registered as a broker-dealer under the act, or (c) he or she is registered as an agent of a broker-dealer under the act and his or her investment advisory services are conducted under the supervision of and any and all compensation received for the investment advisory services is channeled through the broker-dealer. It shall be unlawful for any investment adviser required to be registered under the act to employ an investment adviser representative unless the investment adviser representative is registered under the act. The registration of an investment adviser representative shall not be effective unless the investment adviser representative is employed by a registered investment adviser. When an investment adviser representative begins or terminates employment with an investment adviser, the investment adviser shall promptly notify the director.

(3) A broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative may apply for registration by filing with the director an application and payment of the fee prescribed in subsection (6) of this section. If the applicant is an individual, the application shall include the applicant's social security number. Registration of a broker-dealer or issuer-dealer shall automatically constitute registration of all partners, limited liability company members, officers, or directors of such broker-dealer or issuer-dealer as agents, except any partner, limited liability company member, officer, or director whose registration as an agent is denied, suspended, or revoked under subsection (9) of this section, without the filing of applications for registration as agents or the payment of fees for registration as agents. The application shall contain whatever information the director requires concerning such matters as:

- (a) The applicant's form and place of organization;
- (b) The applicant's proposed method of doing business;
- (c) The qualifications and business history of the applicant and, in the case of a broker-dealer or investment adviser, the qualifications and business history of any partner, limited liability company member, officer, director, person occupying a similar status or performing similar functions of a partner, limited liability company member, officer, or director, or person directly or indirectly controlling the broker-dealer or investment adviser;
- (d) Any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony;
- (e) The applicant's financial condition and history; and
- (f) Information to be furnished or disseminated to any client or prospective client if the applicant is an investment adviser.

(4)(a) If no denial order is in effect and no proceeding is pending under subsection (9) of this section, registration shall become effective at noon of the thirtieth day after an application is filed, complete with all amendments. The director may specify an earlier effective date.

(b) The director shall require as conditions of registration:

- (i) That the applicant, except for renewal, and, in the case of a corporation, partnership, or limited liability company, the officers,



directors, partners, or limited liability company members pass such examination or examinations as the director may prescribe as evidence of knowledge of the securities business;

(ii) That an issuer-dealer and its agents pass an examination prescribed and administered by the Department of Banking and Finance. Such examination shall be administered upon request and upon payment of an examination fee of five dollars. Any applicant for issuer-dealer registration who has satisfactorily passed any other examination approved by the director shall be exempted from this requirement upon furnishing evidence of satisfactory completion of such examination to the director; and

(iii) That a broker-dealer, investment adviser, or issuer-dealer have a minimum net capital of twenty-five thousand dollars. In lieu of a minimum net capital requirement of twenty-five thousand dollars, the director may require a broker-dealer, investment adviser, or issuer-dealer to post a corporate surety bond with surety licensed to do business in Nebraska in an amount equal to such capital requirements. When the director finds that a surety bond with a surety company would cause an undue burden on an issuer-dealer, the director may require the issuer-dealer to post a signature bond. Every such surety bond shall run in favor of Nebraska, shall provide for suit thereon by any person who has a cause of action under section 8-1118, and shall provide that no suit may be maintained to enforce any liability on the bond unless brought within the time periods specified by section 8-1118. In addition, the director may establish other minimum financial requirements for investment advisers, which may include different requirements for those investment advisers who maintain custody of clients' funds or securities or who have discretionary authority over such funds or securities than may be required for investment advisers who do not maintain custody of or authority over clients' funds or securities.

(c) The director may waive the requirement of an examination for any applicant who by reason of prior experience can demonstrate his or her knowledge of the securities business. Registration of a broker-dealer and agent shall be effective for a period of not more than one year and shall expire on December 31 unless renewed. Registration of an issuer-dealer, investment adviser, or investment adviser representative shall be effective for a period of not more than one year and may be renewed as provided in this section.

(d) The director may restrict or limit an applicant as to any function or activity in this state for which registration is required under the act.

(5) Registration of a broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative may be renewed by filing with the director prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative filed with the director by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, issuer-dealer, or investment adviser, a financial statement showing the financial condition of such broker-dealer, issuer-dealer, or investment adviser as of a date within ninety days.

(6) The fee for initial or renewal registration shall be two hundred fifty dollars for a broker-dealer, two hundred dollars for an investment adviser, one hundred dollars for an issuer-dealer, forty dollars for an agent, and forty dollars for an investment adviser representative. When an application is denied or withdrawn, the director shall retain all of the fee.

(7) Every registered broker-dealer, issuer-dealer, and investment adviser shall make and keep such accounts and other records as the director prescribes. All records so required shall be preserved for three years unless the director prescribes otherwise for particular types of records. All the records of a registered broker-dealer, issuer-dealer, or investment adviser shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the director, within or without this state, as the director deems necessary or appropriate in the public interest or for the protection of investors and advisory clients. Costs of such reasonable examinations shall be borne by the registrant.

(8) With respect to investment advisers, the director may require that certain information be furnished or disseminated to clients as necessary or appropriate in the public interest or for the protection of investors and advisory clients. To the extent determined by the director in his or her discretion, information furnished to clients of an investment adviser pursuant to the Investment Advisers Act of 1940 and the rules and regulations under such act may be used in whole or in part to satisfy the information

requirement prescribed in this subsection.

(9)(a) The director may by order deny, suspend, or revoke registration of any broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative or bar or censure any registrant or any partner, limited liability company member, officer, director, or person occupying a similar status or performing similar functions of a partner, limited liability company member, officer, or director for a registrant from employment with any broker-dealer, issuer-dealer, or investment adviser if he or she finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer, issuer-dealer, or investment adviser, any partner, limited liability company member, officer, director, person occupying a similar status or performing similar functions of a partner, limited liability company member, officer, or director, or person directly or indirectly controlling the broker-dealer, issuer-dealer, or investment adviser:

(i) Has filed an application for registration under this section which, as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(ii) Has willfully violated or willfully failed to comply with any provision of the Securities Act of Nebraska or a predecessor act or any rule, regulation, or order adopted and promulgated pursuant to the act or a predecessor act;

(iii) Has been convicted, within the past ten years, of any misdemeanor involving a security or commodity or any aspect of the securities or commodities business or any felony;

(iv) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or commodities business;

(v) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative;

(vi) Is the subject of an adjudication or determination, after notice and opportunity for hearing, within the past ten years by a securities or commodities agency or administrator of another state or a court of competent jurisdiction that the person has willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or the securities or commodities law of any other state;

(vii) Has engaged in dishonest or unethical practices in the securities or commodities business;

(viii) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature, but the director may not enter an order against a broker-dealer, issuer-dealer, or investment adviser under this subdivision without a finding of insolvency as to the broker-dealer, issuer-dealer, or investment adviser;

(ix) Has not complied with a condition imposed by the director under subsection (4) of this section or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business;

(x) Has failed to pay the proper filing fee, but the director may enter only a denial order under this subdivision, and he or she shall vacate any such order when the deficiency has been corrected;

(xi) Has failed to reasonably supervise his or her agents or employees, if he or she is a broker-dealer or issuer-dealer, or his or her investment adviser representatives or employees, if he or she is an investment adviser, to assure their compliance with the Securities Act of Nebraska; or

(xii) Has been denied the right to do business in the securities industry, or the person's respective authority to do business in the securities or commodities industry has been revoked by any other state, federal, or foreign governmental agency or self-regulatory organization for cause, or the person has been the subject of a final order in a criminal, civil, injunctive, or administrative action for securities, commodities, or fraud-related violations of the law of any state, federal, or foreign governmental unit.

(b) The director may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to him or her when registration became effective. The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this subsection. Upon the entry of the order, the director shall promptly notify the applicant or registrant, as well as the employer or prospective

employer if the applicant or registrant is an agent or investment adviser representative, that it has been entered and of the reasons therefor and that within fifteen business days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen business days of the issuance of the order and none is ordered by the director, the order shall automatically become a final order and shall remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing, shall enter his or her written findings of fact and conclusions of law and may affirm, modify, or vacate the order. No order may be entered under this section denying or revoking registration without appropriate prior notice to the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an agent or investment adviser representative, and opportunity for hearing.

(c) If the director finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative, is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the director may by order cancel the registration or application.

(d) Withdrawal from registration as a broker-dealer, issuer-dealer, agent, investment adviser, or investment adviser representative shall become effective thirty days after receipt of an application to withdraw or within a shorter period of time as the director may determine unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within thirty days after the application is filed. If a revocation or suspension proceeding is pending or instituted, withdrawal shall become effective at such time and upon such conditions as the director shall order.

Sec. 61. Section 9-1,104, Revised Statutes Supplement, 1996, is amended to read:

9-1,104. (1) Any person applying for or holding a contract or license (a) as a distributor, gaming manager, or manufacturer pursuant to the Nebraska Bingo Act, (b) as a distributor, manufacturer, pickle card operator, or sales agent pursuant to the Nebraska Pickle Card Lottery Act, (c) as a lottery operator, manufacturer-distributor, or sales outlet location pursuant to the Nebraska County and City Lottery Act, or (d) pursuant to the State Lottery Act shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol for the purpose of determining whether the Department of Revenue has a basis to deny the contract or license application or to suspend, cancel, revoke, or terminate the person's contract or license. Each applicant for or party holding a license as a manufacturer, distributor, manufacturer-distributor, or lottery operator shall also submit a personal history report to the department on a form provided by the department and may be subject to a background investigation, an inspection of the applicant's or licensee's facilities, or both. If the applicant is an individual, the application shall also include the applicant's social security number.

(2)(a) If the applicant, party to the contract, or licensee is a corporation, the persons subject to such requirements shall include any officer or director of the corporation, his or her spouse, any person or entity directly or indirectly associated with such corporation in a consulting or other capacity which may impair the security, honesty, or integrity of the operation or conduct of the activities for which the application is made or contract or license is held, and, if applicable, any person or entity holding in the aggregate ten percent or more of the debt or equity of the corporation. If any person or entity holding ten percent or more of the debt or equity of the applicant, contractor, or licensee corporation is a corporation, partnership, or limited liability company, every partner of such partnership, every member of such limited liability company, every officer or director of such corporation or partnership, every person or entity holding ten percent or more of the debt or equity of such corporation, partnership, or limited liability company, and every person or entity directly or indirectly associated with such corporation, partnership, or limited liability company in a consulting or other capacity which may impair the security, honesty, or integrity of the operation or conduct of the activities for which the application is made or contract or license is held may also be subject to such requirements. If the applicant, party to the contract, or licensee is a partnership, the persons subject to such requirements shall include any partner, his or her spouse, any officer or director of the partnership, or any

person or entity directly or indirectly associated with such partnership in a consulting or other capacity which may impair the security, honesty, or integrity of the operation or conduct of the activities for which the application is made or contract or license is held. If the applicant, party to the contract, or licensee is a limited liability company, the persons subject to such requirement shall include any member and his or her spouse. If the applicant, party to the contract, or licensee is a nonprofit organization or nonprofit corporation, the person subject to such requirement shall be the person designated by such nonprofit organization or nonprofit corporation as the manager.

(b) Notwithstanding the provisions of this section, background investigations shall not be required of any debt holder which is a financial institution organized or chartered under the laws of this state, any other state, or the United States relating to banks, savings institutions, trust companies, savings and loan associations, credit unions, industrial loan and investment companies, installment loan licensees, or similar associations organized under the laws of this state and subject to supervision by the Department of Banking and Finance.

(3) A person applying for or holding a license as a pickle card operator, lottery operator, or sales outlet location shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol only if such an investigation has not been performed by the Nebraska Liquor Control Commission.

(4)(a) The applicant, party to the contract, or licensee shall pay the actual cost of any fingerprinting or check of his or her criminal history record information.

(b) The Department of Revenue may require an applicant or licensee subjected to a background investigation, a facilities inspection, or both to pay the actual costs incurred by the department in conducting the investigation or inspection. The department may require payment of the estimated costs in advance of beginning the investigation or inspection. If an applicant does not wish to pay the estimated costs, it may withdraw its application and its application fee will be refunded. After completion of the investigation or inspection, the department shall refund any overpayment or shall charge and collect an amount sufficient to reimburse the department for any underpayment of actual costs. The department may establish by rule and regulation the conditions and procedures for payment of the costs.

(5) Refusal to comply with this section by any person contracted with, licensed, or seeking a contract or license under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, or the State Lottery Act shall be a violation of the act under which such person is contracted with, licensed, or seeking a contract or license.

Sec. 62. Section 9-255.06, Revised Statutes Supplement, 1996, is amended to read:

9-255.06. (1) An individual, partnership, limited liability company, corporation, or organization which will be leasing a premises to one or more organizations for the conduct of bingo and which will receive more than two hundred fifty dollars per month as aggregate total rent from leasing such premises for the conduct of bingo shall first obtain a commercial lessor's license from the department. The license shall be applied for on a form prescribed by the department and shall contain:

(a) The name and home address of the applicant;

~~(b) If the applicant is an individual, the applicant's social security number;~~

~~(c) (b)~~ If the applicant is not a resident of this state or is not a corporation, the full name, business address, and home address of a natural person, at least nineteen years of age, who is a resident of and living in this state designated by the applicant as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the applicant;

~~(d) (e)~~ A designated mailing address and legal description of the premises intended to be covered by the license sought;

~~(e) (d)~~ The lawful capacity of the premises for public assembly purposes;

~~(f) (e)~~ The names and mailing addresses of the officers of the organization which is to conduct bingo at the premises and the place and time the organization intends to conduct bingo;

~~(g) (f)~~ The amount of rent to be paid or other consideration to be given directly or indirectly for each bingo occasion to be conducted; and

~~(h) (g)~~ Any other information which the department deems necessary.

(2) An application for a commercial lessor's license shall be

accompanied by a fee of one hundred dollars for each premises the applicant is seeking to lease pursuant to subsection (1) of this section. A commercial lessor who desires to lease more than one premises for the conduct of bingo shall file a separate application and pay a separate fee for each such premises.

(3) The information required by this section shall be kept current. The commercial lessor shall notify the department within thirty days of any changes to the information contained on or with the application.

(4) A commercial lessor who will be leasing or renting bingo equipment in conjunction with his or her premises shall obtain such equipment only from a licensed distributor, except that a commercial lessor shall not purchase or otherwise obtain disposable paper bingo cards from any source.

(5) A commercial lessor, the owner of a premises, and all parties who lease or sublease a premises which ultimately is leased to an organization for the conduct of bingo shall not be involved directly with the conduct of any bingo occasion regulated by the Nebraska Bingo Act which may include, but not be limited to, the managing, operating, promoting, advertising, or administering of bingo. Such persons shall not derive any financial gain from any gaming activities regulated by Chapter 9 except as provided in subsection (4) of section 9-347 if the individual is licensed as a pickle card operator, if the individual is licensed as a lottery operator or authorized sales outlet location pursuant to the Nebraska County and City Lottery Act, or if the individual is contracted with as a lottery game retailer pursuant to the State Lottery Act.

(6) A nonprofit organization owning its own premises which in turn rents or leases its premises solely to its own auxiliary shall be exempt from the licensing requirements contained in this section.

Sec. 63. Section 9-255.07, Revised Statutes Supplement, 1996, is amended to read:

9-255.07. (1) Any individual, partnership, limited liability company, or corporation which desires to sell, lease, distribute, or otherwise provide bingo equipment in this state to a licensed commercial lessor or a licensed organization for use in a bingo occasion which is regulated by the Nebraska Bingo Act shall first apply for and obtain a distributor's license from the department. An applicant for a distributor's license shall have its principal office located within this state. The license shall be applied for on a form prescribed by the department and shall contain:

(a) The name and home address of the applicant;

(b) If the applicant is an individual, the applicant's social security number;

(c) ~~(b)~~ The address and legal description of each location where the applicant stores or distributes bingo equipment;

(d) ~~(c)~~ A sworn statement by the applicant or appropriate officer of the applicant that the applicant will comply with all provisions of the act and all rules and regulations adopted pursuant to the act; and

(e) ~~(d)~~ Any other information which the department deems necessary.

(2) The information required by this section shall be kept current. The distributor shall notify the department within thirty days of any changes to the information contained on or with the application.

(3) The application shall be accompanied by a license fee of one thousand five hundred twenty-five dollars.

(4) Any person licensed as a distributor pursuant to section 9-330 may act as a distributor pursuant to this section without filing a separate application or submitting the license fee required by this section.

(5) A licensed distributor or person having a substantial interest therein shall not hold any other type of license issued pursuant to Chapter 9 except as provided in sections 9-330 and 9-632.

(6) No distributor or spouse or employee of any distributor shall participate in the conduct or operation of any bingo game or occasion or any other kind of gaming activity which is authorized or regulated under Chapter 9 except to the exclusive extent of his or her statutory duties as a licensed distributor as provided by this section and except as provided in sections 9-330 and 9-632. No distributor or employee or spouse of any distributor shall have a substantial interest in another distributor, a manufacturer, a manufacturer-distributor as defined in section 9-616 other than itself, a licensed organization, or any other licensee regulated under Chapter 9. Membership in a licensed organization shall not be deemed a violation of this section.

Sec. 64. Section 9-255.09, Revised Statutes Supplement, 1996, is amended to read:

9-255.09. (1) Any individual, partnership, limited liability company, or corporation which desires to sell or otherwise supply bingo

equipment in this state to a licensed distributor shall first apply for and obtain a manufacturer's license from the department. The license shall be applied for on a form prescribed by the department and shall contain:

(a) The business name and address of the applicant and the name and address of each of the applicant's separate locations which manufacture or store bingo equipment and any location from which the applicant distributes or promotes bingo equipment;

(b) The name and home address of the applicant;

(c) If the applicant is an individual, the applicant's social security number;

(d) (e) If the applicant is not a resident of this state or is not a corporation, the full name, business address, and home address of a natural person, at least nineteen years of age, who is a resident of and living in this state designated by the applicant as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the applicant;

(e) (d) A sworn statement by the applicant or appropriate officer of the applicant that the applicant will comply with all provisions of the Nebraska Bingo Act and all rules and regulations adopted pursuant to the act; and

(f) (e) Any other information which the department deems necessary.

(2) The application shall be accompanied by a license fee of one thousand five hundred twenty-five dollars.

(3) The information required by this section shall be kept current. The manufacturer shall notify the department within thirty days of any changes to the information contained on or with the application.

(4) Any person licensed as a manufacturer pursuant to section 9-332 may act as a manufacturer pursuant to this section without filing a separate application or submitting the license fee required by this section.

(5) A licensed manufacturer shall not hold any other type of license issued pursuant to Chapter 9 except as provided in sections 9-332 and 9-632.

(6) No manufacturer or spouse or employee of the manufacturer shall participate in the conduct or operation of any bingo game or occasion or any other kind of gaming activity which is authorized or regulated under Chapter 9 except to the exclusive extent of his or her statutory duties as a licensed manufacturer or employee thereof as provided by this section and except as provided in sections 9-332 and 9-632 and the State Lottery Act. No manufacturer or employee or spouse of any manufacturer shall have a substantial interest in another manufacturer, a distributor, a manufacturer-distributor as defined in section 9-616 other than itself, a licensed organization, or any other licensee regulated under Chapter 9.

Sec. 65. Section 9-329.02, Revised Statutes Supplement, 1996, is amended to read:

9-329.02. (1) A pickle card operator shall not be eligible to sell individual pickle cards as opportunities to participate in a lottery by the sale of pickle cards without first obtaining a license.

(2) Any sole proprietorship, partnership, limited liability company, or corporation wishing to operate as a pickle card operator in this state shall file an application with the department for a license on a form prescribed by the department. Each application for a license shall include

(a) the name, address, and state identification number of the sole proprietorship, partnership, limited liability company, or corporation applying for the license, (b) a description of the premises on which the pickle cards will be sold or offered for sale, (c) if the applicant is an individual, the applicant's social security number, and (d) (e) such other information which the department deems necessary. The information required by this subsection shall be kept current. A pickle card operator shall notify the department within thirty days if any information in the application is no longer correct and shall supply the correct information.

(3) A fee of fifty dollars shall be charged for each license issued pursuant to this section and shall be paid for by the applicant. A licensed organization shall not pay the required licensing fees of a pickle card operator as an inducement for the pickle card operator to sell individual pickle cards on its behalf. Such licenses shall expire on September 30 of each year or such other date as the department may prescribe by rule and regulation and may be renewed annually. The department shall remit the proceeds from such license fees to the State Treasurer for credit to the Charitable Gaming Operations Fund. An application for license renewal shall be submitted to the department at least sixty days prior to the expiration date of the license.

(4) One license issued to any sole proprietorship, partnership, limited liability company, or corporation under this section as a pickle card

operator shall cover the sole proprietorship, partnership, limited liability company, or corporation and the employees of the licensed pickle card operator. Any license issued pursuant to this section shall be valid only for the sole proprietorship, partnership, limited liability company, or corporation in the name of which it was issued and shall allow the sale of individual pickle cards only on the premises described in the pickle card operator's application for a license. A pickle card operator's license may not be transferred under any circumstances including change of ownership.

(5) The department may prescribe a separate application form for renewal purposes.

(6) A licensed pickle card operator shall not sell individual pickle cards on behalf of a licensed organization until an authorization has been obtained from the department by the licensed organization. The licensed organization shall file an application with the department for such authorization on a form prescribed by the department. Each application for an authorization shall include (a) the name, address, and state identification number of the licensed pickle card operator and (b) such other information which the department deems necessary. The application shall include a statement signed by a person licensed as a utilization-of-funds member signifying that such licensed organization approves the pickle card operator to sell individual pickle cards on behalf of such organization.

(7) A pickle card operator may sell individual pickle cards on behalf of more than one licensed organization. Each licensed organization for which the pickle card operator desires to sell individual pickle cards shall obtain the authorization described in subsection (6) of this section.

(8) A pickle card operator who sells individual pickle cards through a coin-operated or currency-operated dispensing device shall purchase, lease, or rent its own equipment. If such equipment is obtained from a licensed organization or distributor, it shall be purchased, leased, or rented at a rate not less than fair market value. A licensed organization or distributor shall not provide such equipment to a pickle card operator free of charge or at a rate less than fair market value as an inducement for the pickle card operator to sell a licensed organization's individual pickle cards. The department may require a licensed organization, distributor, or pickle card operator to provide such documentation as the department deems necessary to verify that a pickle card operator has purchased, leased, or rented the equipment for a rate not less than fair market value.

(9) No pickle card operator shall generate revenue from the sale of individual pickle cards which exceeds the revenue generated from other retail sales on an annual basis. For purposes of this subsection, retail sales shall not include revenue generated from other charitable gaming activities authorized by Chapter 9.

Sec. 66. Section 9-330, Revised Statutes Supplement, 1996, is amended to read:

9-330. Any applicant for a distributor's license, including renewal thereof, shall file an application with the department on a form prescribed by the department. Each application shall be accompanied by a license fee of one thousand five hundred twenty-five dollars. At a minimum, the application shall include the name and address of the applicant, including all shareholders who own ten percent or more of the outstanding stock if the applicant is a corporation, the location of its office or business, and a current list, if requested, of those organizations within the state to whom the applicant is selling pickle card units, and, if the applicant is an individual, the applicant's social security number. All applications shall include a sworn statement by the applicant or the appropriate officer thereof that the applicant will comply with all provisions of the Nebraska Pickle Card Lottery Act and all rules and regulations adopted and promulgated under such act.

The principal office of an applicant for a distributor's license or of a licensed distributor shall be located in Nebraska.

No person shall be issued a distributor's license if such person is not doing business or authorized to do business in this state.

All distributors' licenses shall expire on September 30 of each year or such other date as the department may prescribe by rule or regulation. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license.

Sec. 67. Section 9-332, Revised Statutes Supplement, 1996, is amended to read:

9-332. A manufacturer shall obtain a license from the department prior to manufacturing or selling or supplying to any licensed distributor in this state any pickle cards or pickle card units or engaging in any interstate activities relating to such pickle cards or pickle card units, except that

nothing in this section shall prohibit a manufacturer from marketing, selling, or otherwise providing pickle cards or pickle card units to a federally recognized Indian tribe for use in a Class II gaming activity authorized by the federal Indian Gaming Regulatory Act. The applicant shall include with the application form prescribed by the department a license fee of one thousand five hundred twenty-five dollars, a sworn statement by the applicant or appropriate officer of the applicant that the applicant will comply with all provisions of the Nebraska Pickle Card Lottery Act and all rules and regulations adopted and promulgated pursuant to the act, and such other information as the department deems necessary. If the applicant is an individual, the application shall include the applicant's social security number.

The applicant shall notify the department within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the State of Nebraska and all applicable rules and regulations of the department.

Manufacturers' licenses shall expire on September 30 of each year or such other date as the department may prescribe by rule and regulation and may be renewed annually. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license.

Sec. 68. Section 9-424, Revised Statutes Supplement, 1996, is amended to read:

9-424. (1) Each applicant for a license to conduct a lottery or raffle shall file with the department an application on a form prescribed by the department. Each application shall include:

(a) The name and address of the applicant and, if the applicant is an individual, his or her social security number;

(b) Sufficient facts relating to the incorporation or organization of the applicant to enable the department to determine if the applicant is eligible for a license under section 9-423;

(c) The name and address of each officer of the applicant organization;

(d) The name, address, social security number, date of birth, and years of membership of a bona fide and active member of the applicant organization to be licensed as a utilization-of-funds member. Such person shall have been an active and bona fide member of the applicant organization for at least one year preceding the date the application is filed with the department unless the applicant organization can provide evidence that the one-year requirement would impose an undue hardship on the organization. Such person shall sign a sworn statement indicating that he or she agrees to comply with all provisions of the Nebraska Lottery and Raffle Act and all rules and regulations adopted pursuant to the act, that no commission, fee, rent, salary, profits, compensation, or recompense will be paid to any person or organization except payments authorized by the act, and that all net profits will be spent only for lawful purposes. The department may prescribe a separate application for such license;

(e) A roster of members, if the department deems it necessary and proper;

(f) Other information which the department deems necessary; and

(g) A fifteen-dollar license fee for the organization and a twenty-dollar license fee for each utilization-of-funds member.

(2) The information required by this section shall be kept current. An organization shall notify the department within thirty days if any information in the application is no longer correct and shall supply the correct information.

Sec. 69. Section 9-632, Revised Statutes Supplement, 1996, is amended to read:

9-632. (1) No individual, sole proprietorship, partnership, limited liability company, or corporation shall manufacture, sell, print, or distribute lottery equipment or supplies for use or play in this state without having first been issued a manufacturer-distributor license by the department.

(2) The department shall charge a biennial license fee of one thousand five hundred twenty-five dollars for the issuance or renewal of a manufacturer-distributor license. The department shall remit the proceeds from such license fees to the State Treasurer for credit to the Charitable Gaming Operations Fund. All manufacturer-distributor licenses may be renewed biennially. The biennial expiration date shall be September 30 of every odd-numbered year or such other date as the department may prescribe by rule and regulation. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license.



(3) An applicant for issuance or renewal of a manufacturer-distributor license shall apply for a license on a form prescribed by the department. The application form shall include:

(a) The name and address of the applicant and the name and address of each of its separate locations manufacturing or distributing lottery equipment or supplies;

(b) The name and home address of all owners or members of the manufacturer-distributor business if the business is not a corporation. If the business is a corporation, the name and home address of each of the officers and directors of the corporation and of each stockholder owning ten percent or more of any class of stock in the corporation shall be supplied;

(c) If the applicant is an individual, the applicant's social security number;

(d) ~~(e)~~ If the applicant is a foreign manufacturer-distributor, the full name, business address, and home address of the agent who is a resident of this state designated pursuant to section 9-633; and

~~(e)~~ Such other information as the department deems necessary.

(4) The applicant shall notify the department within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the State of Nebraska and all applicable rules and regulations of the department.

(5) Any person licensed as a manufacturer pursuant to section 9-255.09 or 9-332 or as a distributor pursuant to section 9-255.07 or 9-330 may act as a manufacturer-distributor pursuant to this section upon the filing of the proper application form and payment of a biennial license fee of one thousand five hundred twenty-five dollars.

Sec. 70. Section 9-642.01, Revised Statutes Supplement, 1996, is amended to read:

9-642.01. (1) Prior to a county, city, village, or lottery operator conducting a lottery at a location other than the location of the lottery operator (a) the county, city, or village shall, by ordinance or resolution, establish qualification standards which shall be met by any individual, sole proprietorship, partnership, limited liability company, or corporation seeking to have its location qualify as an authorized sales outlet location for conducting a lottery and (b) the county, city, or village shall approve or disapprove each sales outlet location and individual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards. A copy of the ordinance or resolution setting forth the qualification standards shall be filed with the department within thirty days of its adoption. A county, city, or village shall notify the department of all approved lottery locations within thirty days of approval.

(2) An authorized sales outlet location shall obtain a license issued by the department prior to conducting any lottery activity at such location pursuant to the Nebraska County and City Lottery Act. An applicant for a license as an authorized sales outlet location shall apply on a form prescribed by the department containing the information the department deems necessary, including documentation that reflects that the location has been approved by the county, city, or village in accordance with the qualification standards required by this section. If the applicant is an individual, the application shall include the applicant's social security number. No fee shall be charged for such license. All licenses for authorized sales outlet locations shall expire on September 30 of every odd-numbered year or such other date as the department may prescribe by rule and regulation and may be renewed biennially. An application for license renewal shall be submitted to the department at least sixty days prior to the expiration date of the license.

Sec. 71. Section 12-1108, Revised Statutes Supplement, 1996, is amended to read:

12-1108. (1) No pre-need seller shall make or offer to make a pre-need sale without first obtaining a license from the director. An application for such a license or a renewal of an existing license shall be made in writing, signed by the proposed pre-need seller, duly verified on forms prepared and furnished by the director, and accompanied by an application fee of fifty dollars. Each application shall contain the following information:

(a) The applicant's full name and his, her, or its home and business address, and if the applicant is a partnership, limited liability company, corporation, or association, the application shall list the names and addresses of all of the officers, directors, members, or trustees thereof;

(b) The names and addresses of all agents, including employees and independent contractors, authorized to make pre-need sales in the name of the

applicant;

(c) If the applicant is an individual, the applicant's social security number;

(d) (e) Whether such agents are presently licensed as agents pursuant to section 12-1115 and if not the date upon which application will be made;

(e) (d) Whether the pre-need seller's license has previously been suspended, revoked, or voluntarily surrendered and the reason therefor; and

(f) (e) Whether the applicant or any officers, directors, members, or association trustees have been convicted of fraud or a crime involving misappropriation or misuse of funds within the past ten years.

(2) Upon receipt of the application, the director shall issue a license to the pre-need seller unless the director determines that the applicant (a) is unable to demonstrate its financial ability to meet the requirements of the Burial Pre-Need Sale Act, (b) has made false statements or misrepresentations in the application, (c) is not duly authorized to transact business in the state, (d) has been convicted of fraud or a crime involving misappropriation or misuse of funds within the last ten years, or (e) has failed to comply with any of the terms or conditions of the Burial Pre-Need Sale Act and such is deemed by the director to substantially impede the applicant's ability to abide by such act. If the director determines that an unrestricted license will not be issued or that no license will be issued on the basis of the application, the director may:

(i) Request additional information from the applicant;

(ii) Issue a temporary license with restrictions and reporting requirements as the director deems necessary so as to monitor the actions of the applicant for a period not to exceed six months; or

(iii) Refuse to issue the license.

The director shall notify the applicant of the action taken, and the notification and any protest shall be made in the same manner as provided in subsection (2) of section 12-1116.

(3) A license shall expire five years from the date of the issuance and may be renewed for additional five-year periods upon filing with the director a new application for such license.

(4) The licensee shall maintain accurate accounts, books, and records of all transactions required including copies of all contracts involving pre-need sales and shall make a report as prescribed in section 12-1110.

(5)(a) The licensee shall make all books and records pertaining to trust funds available to the director for examination. The director, or a qualified person designated by the director, may during ordinary business hours examine the books, records, and accounts of the licensee with respect to the funds received by such licensee and may require the attendance at an examination under oath of all persons whose testimony he or she may deem necessary.

(b) The reasonable expenses for the examination of the books, records, and accounts of the licensee shall be fixed and determined by the director. The licensee shall be responsible for the payment of the determined expenses to the director within a reasonable time after the receipt of a statement for such expenses. The expenses shall be limited to a reasonable allocation for the salary of each examiner plus actual expenses.

Sec. 72. Section 13-2040, Revised Statutes Supplement, 1996, is amended to read:

13-2040. The department shall review all licenses for solid waste management facilities which were issued under the Environmental Protection Act prior to July 15, 1992, and which expire after October 1, 1993, to determine whether the licensee is in compliance with the requirements of the Integrated Solid Waste Management Act and the rules and regulations adopted by the council.

The department may require such licensee to furnish written documentation evidencing compliance. If the department determines that the licensee is not in compliance with the Integrated Solid Waste Management Act and the rules and regulations adopted by the council, the department may issue an amended permit as necessary to bring the licensee into compliance with these provisions.

All licenses for solid waste management facilities issued under the Environmental Protection Act prior to July 15, 1992, shall expire at the stated date of expiration if such expiration date is before October 1, 1993, except that the department may extend such licenses to continue until October 1, 1993, if it finds that the facility remains in compliance with the Environmental Protection Act and the rules and regulations adopted thereunder by the council prior to July 15, 1992.

Permits for facilities issued pursuant to the Integrated Solid Waste Management Act shall expire five years following the date of issuance and may be renewed only if the department determines, upon application, that the permitholder is in compliance with all requirements of the act.

If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 73. Section 14-109, Reissue Revised Statutes of Nebraska, is amended to read:

14-109. The council shall have power to tax for revenue, license, and regulate pawnbrokers, peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, innkeepers, liquor dealers, toll bridges, ferries, insurance, telegraph and express companies and vendors of patents. Such tax may include both a tax for revenue and license. If the applicant is an individual, an application for a license shall include the applicant's social security number. The city council shall have power to raise revenue by levying and collecting a tax on any occupation or business within the limits of the city and regulate the same by ordinance. All such taxes shall be uniform in respect to the class upon which they are imposed. All ~~Provised,~~ ~~all~~ scientific and literary lectures and entertainments shall be exempt from taxation, as well as concerts and all other musical entertainments given exclusively by the citizens of the city. It shall be the duty of the city clerk to deliver to the city treasurer the certified copy of the ordinance levying such tax, and the city clerk shall append thereto a warrant requiring the city treasurer to collect such tax. The city council shall also have power to require any person, firm, or corporation owning or using any vehicle in a city of the metropolitan class, annually to register such vehicle in such manner as may be provided, and to require such person to pay an annual registration fee therefor, and to require the payment of registration fees upon the change of ownership of such vehicle. All registration fees which may be thus provided for, shall be credited to a separate fund of the city, thereby created, to be used exclusively for the repairing of streets in such city. No registration fee shall be required where a vehicle is used but temporarily in ~~said~~ such city for a period of not more than one week.

Sec. 74. Section 15-217, Reissue Revised Statutes of Nebraska, is amended to read:

15-217. A primary city of the primary class shall have power to regulate, license, or prohibit the sale of domestic animals, goods, wares, and merchandise at public auction in the streets, alleys, highways, or any public grounds within the city, and to regulate or license the auctioneering of goods, wares, and merchandise. If the applicant is an individual, an application for a license shall include the applicant's social security number.

Sec. 75. Section 16-237, Reissue Revised Statutes of Nebraska, is amended to read:

16-237. A city of the first class by ordinance may regulate, license, or prohibit the sale of domestic animals, or of goods, wares, and merchandise at public auction on the streets, alleys, highways, or any public grounds within the city; and regulate or license the auctioneering of goods, wares, domestic animals, and merchandise. If the applicant is an individual, an application for a license shall include the applicant's social security number.

Sec. 76. Section 18-1907, Reissue Revised Statutes of Nebraska, is amended to read:

18-1907. Any person desiring to do any plumbing, or to work at the business of plumbing, in any such city or village which has established a plumbing board, shall make written application to the plumbing board for examination for a license, which examination shall be made at the next meeting of the board, or at an adjourned meeting. If the applicant is an individual, the application shall include the applicant's social security number. The Said board shall examine ~~said~~ the applicant as to his or her practical knowledge of plumbing, house drainage, ventilation, and sanitation, which examination shall be practical as well as theoretical; and if the applicant has shown himself or herself competent, the plumbing board shall cause its ~~chairman~~ chairperson and secretary to execute and deliver to the applicant a license authorizing him or her to do plumbing in such city or village, and also within the area of the zoning jurisdiction outside the corporate limits of cities of the metropolitan class.

Sec. 77. Section 18-2307, Reissue Revised Statutes of Nebraska, is amended to read:

18-2307. Any person desiring to engage in business as an air conditioning air distribution contractor in a city or village which has established an air conditioning air distribution board or within the area of

zoning jurisdiction outside the corporate limits of cities of the metropolitan class if it has such a board, shall secure a certificate of competency; and any person desiring to engage in the business, or to proceed to install, alter, repair, clean, or add to or change in any manner any air conditioning air distribution system or any furnace, restaurant appliance hood and duct system, or other exhaust or intake ventilating system within such city or village or within the area of zoning jurisdiction outside the corporate limits of cities of the metropolitan class shall be the holder of a certificate of competency or in the direct employ of a person, firm, or corporation holding such certificate.

The board shall, upon written application, examine the applicant at its next meeting or at an adjourned meeting as to his or her practical and theoretical knowledge of the designing and installing of residential, commercial, and industrial air conditioning air distribution and ventilating systems and if found competent deliver to the applicant a certificate of competency. If the applicant is an individual, the application for a certificate of competency shall include the applicant's social security number.

Sec. 78. Section 20-156, Reissue Revised Statutes of Nebraska, is amended to read:

20-156. The Commission for the Hearing Impaired shall prepare and maintain a list of the various types of qualified interpreters as provided by section 71-4728. Each qualified interpreter shall provide his or her social security number to the commission. Nothing in sections 20-150 to 20-159 shall be construed to prevent any appointing authority from contracting with a qualified interpreter on a full-time employment basis.

Sec. 79. Section 23-810, Reissue Revised Statutes of Nebraska, is amended to read:

23-810. Notice of ~~said~~ the application for original license shall be published at the expense of the applicant for two consecutive weeks in some newspaper of general circulation in ~~said~~ such county and precinct giving the time and place at which ~~said~~ the application will be considered by the county board. If the applicant is an individual, the application shall include the applicant's social security number. After full consideration, and the hearing of remonstrants, if there be any, the county board may, in its discretion, grant or withhold such license. Any such license may be renewed from year to year upon application and payment of the fee provided in section 23-811, without petition or publication of notice.

Sec. 80. Section 23-813, Reissue Revised Statutes of Nebraska, is amended to read:

23-813. No person, association, firm, or corporation shall conduct or operate any roadhouse, dance hall, carnival, show, amusement park, or other place of public amusement, outside the limits of any incorporated city or village in the State of Nebraska, without first having obtained a license from the county board of the county in which the same is to be operated. If the applicant is an individual, the application shall include the applicant's social security number. Any person, corporation, or association violating the provisions of this section shall be guilty of a Class V misdemeanor. ~~No~~ PROVIDED, that no license shall be required for a dance in an inhabited private home to which no admission or other fee is charged.

Sec. 81. Section 28-1229, Reissue Revised Statutes of Nebraska, is amended to read:

28-1229. (1) The Nebraska State Patrol shall have the authority to issue permits for:

- (a) The storage of explosive materials;
- (b) The use of explosive materials; and
- (c) The purchase of explosive materials by business enterprises.

(2) The Nebraska State Patrol shall not issue a permit to store or use explosive materials to any person who:

- (a) Is under twenty-one years of age;
- (b) Has been convicted in any court of a felony;
- (c) Is charged with a felony;
- (d) Is a fugitive from justice;
- (e) Is an unlawful user of any depressant, stimulant, or narcotic drug;

(f) Has been admitted as a patient or inmate in a public or private institution for the treatment of a mental or emotional disease or disorder within five years preceding the date of application; or

(g) Has no reasonable educational, industrial, commercial, agricultural, recreational, or other legitimate need for a permit to store or use explosive materials.

(3) Upon filing of a proper application and payment of the

prescribed fee, and subject to the provisions of sections 28-1213 to 28-1239 and other applicable laws, the Nebraska State Patrol shall issue to such applicant a permit to store explosive materials if:

(a) The applicant, including, in the case of a corporation, partnership, limited liability company, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, limited liability company, or association, is not a person to whom the Nebraska State Patrol is prohibited to issue a permit under subsection (2) of this section;

(b) The applicant has not willfully violated any of the provisions of sections 28-1213 to 28-1239 or of 18 U.S.C. chapter 40; and

(c) The applicant has a place of storage for explosive materials which meets such standards of public safety, based on the class, type, and quantity of explosive materials to be stored, and security against theft as prescribed in rules and regulations adopted and promulgated by the Nebraska State Patrol pursuant to sections 28-1213 to 28-1239 and by the Secretary of the Treasury of the United States pursuant to 18 U.S.C. chapter 40.

(4) A permit for the storage of explosive materials shall specify the class, type, and quantity of explosive materials which are authorized to be stored. It shall also specify the type of security required. A permit for the storage of explosive materials shall be valid for a period of two years unless a shorter period is specified in the permit.

(5) Upon filing of a proper application and payment of the prescribed fee, and subject to the provisions of sections 28-1213 to 28-1239 and other applicable laws, the Nebraska State Patrol shall issue to such applicant a permit to use explosive materials if:

(a) The applicant is an individual to whom the Nebraska State Patrol is not prohibited to issue a permit under subsection (2) of this section;

(b) The applicant has not willfully violated any of the provisions of sections 28-1213 to 28-1239 or of 18 U.S.C. chapter 40;

(c) The applicant has demonstrated and certified in writing that he or she is familiar with all published laws of this state and published local ordinances relating to the use of explosive materials applicable at the place or places he or she intends to use such explosive materials;

(d) The applicant has demonstrated that he or she has adequate knowledge, training, and experience in the use of explosive materials of the class and type for which he or she seeks a users permit and has passed a qualifying examination, as prescribed by the Nebraska State Patrol, concerning the use of such explosive materials; and

(e) The applicant has filed with his or her application verification that the applicant has filed for a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol.

(6) A permit for the use of explosive materials shall specify the class and type of explosive materials the permitholder is qualified to use. It shall be applicable to the permitholder and to any individual acting under his or her direct personal supervision. A permit may be issued for a single use of explosive materials or, when the applicant is engaged or employed in a business requiring the frequent use of explosive materials, for a period of not more than two years.

(7) Upon filing of a proper application and payment of the prescribed fees and subject to sections 28-1213 to 28-1239 and other applicable laws, the Nebraska State Patrol shall issue to a business enterprise a permit to purchase explosive materials if:

(a) The business enterprise has a place of business in this state;

(b) No individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the business enterprise is a person to whom the Nebraska State Patrol is prohibited to issue a permit under subsection (2) of this section;

(c) An authorized officer of the business enterprise certifies that all explosive materials will be used on the date of purchase of such materials unless such business enterprise is in possession of a valid storage permit; and

(d) The business enterprise employs at least one employee having a valid use permit issued under this section.

(8) A permit for a business enterprise to purchase explosive materials shall specify the class and type of explosive materials which are authorized to be purchased. The class and type of explosive materials covered by such permit shall be the same as those specified in the use permit or permits issued to an employee or employees of the business enterprise. The permit may be issued for a period of up to two years but shall become void if the business enterprise ceases to employ an individual having a valid use

permit issued under this section for the class and type of explosive materials covered by the purchase permit of the business enterprise.

(9) If the applicant is an individual, an application for a permit issued under this section shall include the applicant's social security number.

Sec. 82. Section 28-1239.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-1239.01. (1) No person shall conduct a public exhibition or display of fireworks without first procuring a display permit from the State Fire Marshal. If the applicant is an individual, the application for a display permit shall include the applicant's social security number. Such application for a display permit shall be accompanied by a fee of ten dollars to be deposited in the State Fire Marshal Cash Fund.

(2) No display fireworks shall be sold or delivered by a licensed distributor to any person who is not in possession of an approved display permit. Sales of display fireworks to persons without an approved display permit shall be subject to sections 28-1213 to 28-1239.

Sec. 83. Section 28-1246, Reissue Revised Statutes of Nebraska, is amended to read:

28-1246. (1) It shall be unlawful for any person to sell, hold for sale, or offer for sale as a distributor, jobber, or retailer any fireworks in this state unless such person has first obtained a license as a distributor, jobber, or retailer. Application for each such license shall be made to the State Fire Marshal on forms prescribed by him or her. If the applicant is an individual, each application shall include the applicant's social security number. Each application shall be accompanied by the required fee, which shall be five hundred dollars for a distributor's license, two hundred dollars for a jobber's license, and twenty-five dollars for a retailer's license. Each application for a license as a retailer postmarked after June 10 shall be accompanied by an additional fee of fifty dollars. All licenses shall be good only for the calendar year in which issued and shall at all times be displayed at the place of business of the holder thereof.

(2) The funds received pursuant to this section shall be remitted to the State Treasurer for credit to the State Fire Marshal Cash Fund.

Sec. 84. Section 28-1403, Reissue Revised Statutes of Nebraska, is amended to read:

28-1403. The county clerk shall provide the registration certificates upon receipt of a fee of five dollars. Every locksmith shall conspicuously display such certificate in his or her place of business. The application shall be filed in the manner and form prescribed by the Secretary of State, and shall include as a minimum (1) the name and social security number of the applicant, (2) the name of the applicant's business, (3) the address of such place of business, (4) whether the applicant has been convicted of violating the laws of any state, other than minor traffic violations, and (5) the name and address of three individuals who have knowledge of the applicant's character, experience, and ability. It shall be the duty of each county clerk to supply each applicant with an application form and to file a copy of each application, which application shall be public information.

Sec. 85. Section 28-1422, Reissue Revised Statutes of Nebraska, is amended to read:

28-1422. Every person, partnership, limited liability company, or corporation desiring a license under sections 28-1420 to 28-1429 shall file with the clerk or finance department of the city, town, or village where his, her, their, or its place of business is located, if within the limits of a city, town, or village or with the clerk of the county where such place of business is located if outside the limits of any city, town, or village a written application stating the name of the person, partnership, limited liability company, or corporation for whom such license is desired and the exact location of the place of business and shall deposit with such application the amount of the license fee provided in section 28-1423. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 86. Section 37-202, Reissue Revised Statutes of Nebraska, is amended to read:

37-202. Permits to hunt, fish, or harvest fur shall be issued on a form prepared and supplied by the commission. Such permit shall bear a description of the person to whom issued, setting forth age, color of eyes and hair, height and weight, and the date of its issuance. All applications for permits to harvest fur shall include the applicant's social security number. All permits shall bear the signature of the secretary of the commission or a facsimile of such signature. All legally issued permits shall authorize the

person named therein to hunt for, kill, or take game and fish or to harvest furbearers, in lawful season and manner, during the period for which the permit is issued. All of such permits, except for those permits for veterans provided by section 37-214.03 and for persons at least seventy years old provided by section 37-214.04 which shall be permanent permits, shall expire at midnight on December 31 of the year in which issued. To be valid a permit shall be countersigned by the holder. The permit shall be on or about the person of the holder at all times while he or she is hunting, fur harvesting, or fishing and shall be shown immediately upon demand to any officer or person whose duty it is to enforce the Game Law. Any person hunting, fishing, or fur harvesting in this state without such permit actually on or about his or her person shall be deemed to be without such permit.

Sec. 87. Section 37-211, Reissue Revised Statutes of Nebraska, is amended to read:

37-211. (1) It shall be unlawful for any person, firm, or corporation dealing in raw furs to conduct such business without first obtaining from the commission a fur buyer's permit. If the applicant is an individual, the application shall include the applicant's social security number. The annual fee for this permit shall be not less than one hundred dollars and not more than one hundred thirty dollars for residents, as established by the commission pursuant to section 81-814.02. Any resident who has resided in this state continuously for a period of six months before making an application for a permit under this section shall be deemed to be a resident and may be issued a resident permit under this section. The fees for nonresidents of this state shall be equal to the fees charged for similar permits by the states of their respective residences but not less than five hundred dollars per annum for such nonresidents. Before a fur buyer's permit is issued to a nonresident of this state, the applicant shall execute and deliver to the secretary of the commission a corporate surety bond, running to the State of Nebraska, in the penal sum of one thousand dollars to be approved by the commission, conditioned that the permittee shall faithfully comply with all the laws of this state. Dealers sending buyers into the field away from their place of business shall provide each such buyer with a separate fur buyer's permit. Every nonresident buyer entering the state or who has buyers in this state shall carry a nonresident fur buyer's permit.

(2) Every resident and nonresident fur buyer shall keep a complete record of all furs bought or sold in a record book to be provided by the commission or any other form of record keeping approved by the commission. Such record shall include, but not be limited to, the number and kind of furs bought or sold, the name and address of the seller or buyer, the date and place of purchase or sale, and the permit number of the seller or fur buyer.

(3) It shall be unlawful for any fur buyer to have raw furs in his, her, or its possession unless the record gives positive evidence of the origin of such furs and unless such record balances at all times. Such record shall be open to inspection by conservation officers at any and all times and shall be made available to such officers upon demand.

(4) Any violation of any of the provisions of this section shall constitute a Class V misdemeanor, and as a part of the penalty the court shall require the offender to purchase the required permit.

Sec. 88. Section 37-211.01, Reissue Revised Statutes of Nebraska, is amended to read:

37-211.01. (1) It shall be unlawful for any person to perform taxidermy services on any game for any person other than himself or herself without first obtaining a taxidermist permit from the commission. The permit shall be conspicuously posted at the location where taxidermy services are performed. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not less than five dollars and not more than seven dollars, as established by the commission pursuant to section 81-814.02. Such permit shall expire on December 31 of the year for which issued.

(2) Original application for a taxidermist permit shall be made to the commission upon such form and containing such information as may be prescribed by the commission. The application shall include the address of the premises where taxidermist services will be provided and a statement of the applicant's qualifications and experience as a taxidermist. Requests for renewals of existing permits shall be made by letter to the commission not later than thirty days preceding the expiration date of the permit.

(3) A permit shall authorize a taxidermist to (a) receive, transport, hold in custody or possession, mount, or otherwise prepare game fish, game animals, fur-bearing animals, raptors, and all other birds and creatures protected by Chapter 37 and return them to the legal owner or his or her agent from whom received and (b) sell captive-reared game fish, game

animals, game birds, or other birds and mammals which he or she has lawfully acquired and mounted. Such mounted specimens may be placed on consignment by the taxidermist for sale and may be held by such consignee for the purpose of sale.

(4) Permittees shall keep accurate records of operations, on a calendar-year basis, showing the names and addresses of persons from and to whom specimens of game fish, game animals, furbearers, game birds, raptors, or other birds or creatures protected by Chapter 37 or their nests or eggs were received or delivered, the number and species, and the dates of receipt and delivery. In addition to other records required by this subsection, the permittee shall maintain proper invoices or other documents confirming his or her lawful acquisition of captive-reared game fish, game animals, fur-bearing animals, game birds, or other birds or mammals being held by him or her, including those which are on consignment for sale. Permittees shall retain such records not less than one year following the end of the calendar year covered by the records. Such records shall be available for inspection by duly authorized employees or agents of the commission during normal business hours.

(5) Any violation of this section shall constitute a Class III misdemeanor.

Sec. 89. Section 37-503, Revised Statutes Supplement, 1996, is amended to read:

37-503. (1) It shall be unlawful ~~(1)~~ (a) to catch or take or attempt to catch or take minnows, except for bait, ~~(2)~~ (b) to catch or take or attempt to catch or take minnows by the use of minnow seines of more than twenty feet in length or four feet in depth, ~~(3)~~ (c) to catch or take or attempt to catch or take minnows with minnow seines or traps, the meshes of which are other than one-fourth inch square, ~~(4)~~ (d) for any person except an aquaculturist or bait dealer to buy, sell, barter, offer to buy, sell, or barter, or have in his or her possession minnows for any purpose whatsoever except for use as bait, and ~~(5)~~ (e) to keep or retain any game fish taken while netting or taking or attempting to net or take minnows for bait, and game fish so taken, of whatever size, shall be immediately returned to the water from which taken and no minnows shall be taken from reservoirs, lakes, or bayous.

(2) Individuals, either resident or nonresident, over sixteen years of age selling minnows or salamanders as bait for profit shall be required to purchase from the commission a bait dealer's permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents, as established by the commission pursuant to section 81-814.02. Individuals over sixteen years of age and residents of this state selling crayfish or leopard or striped frogs shall purchase from the commission a resident bait dealer's permit for a fee of not less than twenty-five dollars and not more than thirty-two dollars, as established by the commission pursuant to such section, except that if such individual holds a permit for minnows or salamanders as provided in this section, such permit shall include crayfish and leopard or striped frogs.

(3) The applications for such permits shall include the social security numbers of the applicants.

Sec. 90. Section 37-505, Revised Statutes Supplement, 1996, is amended to read:

37-505. It shall be unlawful to buy, sell, or barter (1) any game bird or part thereof, except the feathers or skins from legally taken upland game birds, (2) any antelope, cottontail rabbit, deer, elk, squirrel, or bullfrog, except that deer, antelope, or elk hides from legally taken animals may be sold and any domesticated cervine animal as defined in section 54-701.03, or any part thereof, may be bought, sold, or bartered if such animal or parts thereof are appropriately marked for proof of ownership according to rules and regulations adopted and promulgated by the Department of Agriculture, or (3) any game fish protected by the Game Law at any time except as provided in section 37-503.05, whether such bird, animal, or fish was killed or taken within or outside this state, except that game fish lawfully shipped in from outside this state by residents of this state or game or fish lawfully acquired from a licensed game farm, from a person having an aquaculture permit, or, in the case of bullheads, pursuant to section 37-503.05 may be sold in this state, and the burden of proof shall be upon any such buyer, seller, or possessor to show by competent and satisfactory evidence that any game or game fish in his or her possession or sold by him or her was lawfully shipped in from outside this state or was lawfully acquired from one of such sources. Nonresidents holding a valid nonresident fish dealer's permit may possess, buy, sell, transport, and ship live bait minnows,



live fish, all frogs, and crayfish legally obtained from outside this state or from a licensed aquaculture facility in accordance with rules and regulations adopted and promulgated by the commission. The application for the permit shall include the applicant's social security number. The fee for a nonresident fish dealer's permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814.02.

Sec. 91. Section 37-703, Revised Statutes Supplement, 1996, is amended to read:

37-703. Permits for game farming, fur farming, and aquaculture facilities may be issued by the commission upon written application by any qualified person. Such application shall state (1) the name, social security number if the applicant is an individual, residence, and place of business of the applicant, (2) the exact description of the land upon which such game farm, fur farm, or aquaculture facility is to be located, together with the nature of the applicant's title to the land, whether in fee or under lease, and (3) the kind and approximate number of game animals, game birds, fur-bearing animals, except mutation foxes or minks, or aquatic organisms authorized to be kept or reared on such farm or in such facility. The annual fee for an aquaculture facility permit shall be not less than fifty dollars and not more than sixty-five dollars, as established by the commission pursuant to section 81-814.02. Such permits shall expire on December 31. Permits under this section shall not be required for possession or production of domesticated cervine animals as defined in section 54-701.03 which are registered with the Domesticated Cervine Animal Registry pursuant to section 54-2301.

Sec. 92. Section 37-715, Reissue Revised Statutes of Nebraska, is amended to read:

37-715. A commercial game or fur farmer permit may be issued to any citizen of this state authorizing the possession and rearing in captivity of game birds, game animals, *Lynx canadensis*, *Lynx rufus*, or fur bearers acquired without violation of any law or any rule or regulation duly adopted and promulgated by the commission. The application for the permit shall include the applicant's social security number. The annual fee for such permit shall be not less than twenty-five dollars and not more than thirty dollars, as established by the commission pursuant to section 81-814.02. The holder of any such permit shall comply with all provisions of Chapter 37, article 7.

Sec. 93. Section 37-901, Reissue Revised Statutes of Nebraska, is amended to read:

37-901. Any person owning, holding, or controlling by lease or otherwise, which possession must be for a term of five or more years, any contiguous tract of land having an area of not less than one hundred twenty acres and not more than one thousand two hundred eighty acres who desires to establish a game breeding and controlled shooting area to propagate, preserve, and shoot exotic game birds under the regulations as provided in sections 37-901 to 37-914 shall make application to the Game and Parks Commission for a license as provided by such sections. Such application shall be made under oath of the applicant or one of its principal officers if the applicant is an association, club, or corporation and shall be accompanied by a license fee of not less than one hundred dollars and not more than one hundred thirty dollars, as established by the commission pursuant to section 81-814.02. Any controlled shooting area existing on February 18, 1987, shall continue in operation on the existing acreage until such controlled shooting area license is not renewed or canceled. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 94. Section 39-2306, Reissue Revised Statutes of Nebraska, is amended to read:

39-2306. (1) Any person desiring to be licensed under the provisions of sections 39-2301 to 39-2311 shall make application therefor to the board of examiners upon forms prescribed and furnished by the board. The application shall include the applicant's social security number. Such application shall, except as provided in subsection (2) of this section, be accompanied by an examination fee of twenty-five dollars.

(2) Any registered professional engineer who has been designated as a highway superintendent for one or more counties, or as a street superintendent for one or more municipalities, whether on a full-time basis or on less than a full-time basis as a consultant on construction, shall be entitled to a license under the provisions of sections 39-2301 to 39-2310 without examination upon submitting application therefor and payment of an initial fee of fifteen dollars.

Sec. 95. Section 39-2604, Revised Statutes Supplement, 1996, is amended to read:

39-2604. The department may issue permits for the location and operation of junkyards within the limits prescribed in section 39-2603. If the applicant is an individual, the application for a permit shall include the applicant's social security number. The department and shall charge an annual permit fee to be paid to the department in the manner provided by the department and shall thereafter be paid into the Highway Cash Fund- The department and shall, by order, adjust the annual fees to cover the costs of administering the provisions of sections 39-2601 to 39-2612.

Sec. 96. Section 42-364, Revised Statutes Supplement, 1996, is amended to read:

42-364. (1) When dissolution of a marriage or legal separation is decreed, the court may include a parenting plan developed under the Parenting Act, if a parenting plan has been so developed, and such orders in relation to any minor child and the child's maintenance as are justified, including placing the minor child in the custody of the court or third parties or terminating parental rights pursuant to this section if the best interests of the minor child require such orders. Custody and time spent with each parent shall be determined on the basis of the best interests of the minor child with the objective of maintaining the ongoing involvement of both parents in the minor child's life. Subsequent changes may be made by the court after hearing on such notice as prescribed by the court. A decree of dissolution of a marriage or legal separation shall include the social security number of each party.

(2) In determining custody arrangements and the time to be spent with each parent, the court shall consider the best interests of the minor child which shall include, but not be limited to:

(a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing;

(b) The desires and wishes of the minor child if of an age of comprehension regardless of chronological age, when such desires and wishes are based on sound reasoning;

(c) The general health, welfare, and social behavior of the minor child; and

(d) Credible evidence of abuse inflicted on any family or household member. For purposes of this subdivision, abuse and family or household member shall have the meanings prescribed in section 42-903.

(3) In determining custody arrangements and the time to be spent with each parent, the court shall not give preference to either parent based on the sex of the parent and no presumption shall exist that either parent is more fit or suitable than the other.

(4) Regardless of the custody determination of the court, (a) each parent shall continue to have full and equal access to the education and medical records of his or her child unless the court orders to the contrary and (b) either parent may make emergency decisions affecting the health or safety of his or her child while the child is in the physical custody of such parent pursuant to a visitation order entered by the court.

(5) After a hearing in open court, the court may place the custody of a minor child with both parents on a shared or joint custody basis when both parents agree to such an arrangement. In that event, each parent shall have equal rights to make decisions in the best interests of the minor child in his or her custody. The court may place a minor child in joint custody after conducting a hearing in open court and specifically finding that joint custody is in the best interests of the minor child regardless of any parental agreement or consent.

(6) In determining the amount of child support to be paid by a parent, the court shall consider the earning capacity of each parent and the guidelines provided by the Supreme Court pursuant to section 42-364.16 for the establishment of child support obligations. Upon application, hearing, and presentation of evidence of an abusive disregard of the use of child support money paid by one party to the other, the court may require the party receiving such payment to file a verified report with the court, as often as the court requires, stating the manner in which such money is used. Child support paid to the party having custody of the minor child shall be the property of such party except as provided in section 43-512.07. The clerk of the district court shall maintain a record, separate from all other judgment dockets, of all decrees and orders in which the payment of child support or spousal support has been ordered, whether ordered by a district court, county court, separate juvenile court, or county court sitting as a juvenile court. Orders for child support 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 as provided in sections 43-512.12 to 43-512.18.

(7) Whenever termination of parental rights is placed in issue by

the pleadings or evidence, the court shall transfer jurisdiction to a juvenile court established pursuant to the Nebraska Juvenile Code unless a showing is made that the county court or district court is a more appropriate forum. In making such determination, the court may consider such factors as cost to the parties, undue delay, congestion of dockets, and relative resources available for investigative and supervisory assistance. A determination that the county court or district court is a more appropriate forum shall not be a final order for the purpose of enabling an appeal. If no such transfer is made, the court shall appoint an attorney as guardian ad litem to protect the interests of any minor child. The court may terminate the parental rights of one or both parents after notice and hearing when the court finds such action to be in the best interests of the minor child and it appears by the evidence that one or more of the following conditions exist:

(a) The minor child has been abandoned by one or both parents;  
 (b) One parent has or both parents have substantially and continuously or repeatedly neglected the minor child and refused to give such minor child necessary parental care and protection;

(c) One parent is or both parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, illegal possession or sale of illegal substances, or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the minor child; or

(d) One parent is or both parents are unable to discharge parental responsibilities because of mental illness or mental deficiency and there are reasonable grounds to believe that such condition will continue for a prolonged indeterminate period.

(8) Whenever termination of parental rights is placed in issue, the court shall inform a parent who does not have legal counsel of the parent's right to retain counsel and of the parent's right to retain legal counsel at county expense if such parent is unable to afford legal counsel. If such parent is unable to afford legal counsel and requests the court to appoint legal counsel, the court shall immediately appoint an attorney to represent the parent in the termination proceedings. The court shall order the county to pay the attorney's fees and all reasonable expenses incurred by the attorney in protecting the rights of the parent. At such hearing, the guardian ad litem shall take all action necessary to protect the interests of the minor child. The court shall fix the fees and expenses of the guardian ad litem and tax the same as costs but may order the county to pay on finding the responsible party indigent and unable to pay.

Sec. 97. Section 43-104.02, Revised Statutes Supplement, 1996, is amended to read:

43-104.02. As provided in section 43-104.01, a person claiming to be the father of the child and who intends to claim paternity and obtain custody of the child shall file with the biological father registry maintained by the Department of Health and Human Services Finance and Support on forms provided by the department, within five business days after the birth of the child, or within five business days after receipt of the notice contemplated in section 43-104.12, or within five business days after the last date of any published notice provided pursuant to section 43-104.14, whichever is later, a notice of intent to claim paternity and obtain custody. Such notice shall include the social security number of the person claiming to be the father. A notice of intent to claim paternity and obtain custody of the child shall be considered to have been filed if it is received by the Department of Health and Human Services Finance and Support or postmarked prior to the end of the fifth business day contemplated in this subsection prior.

Sec. 98. 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 in addition to income withholding, ~~is not feasible,~~ enforce child, spousal, and medical support orders by other civil actions or

administrative 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 License Suspension 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 and sections 28 to 39 of this act, 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. 99. 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 unless the requesting party demonstrates a substantial change in circumstances, and 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. 100. 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 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 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.

Sec. 101. Section 43-1409, Revised Statutes Supplement, 1996, is amended to read:

43-1409. The signing of a notarized acknowledgment, whether under section 43-1408.01 or otherwise, by the alleged father shall create a rebuttable presumption of paternity as against the alleged father. The signed, notarized acknowledgment is subject to the right of any signatory to rescind the acknowledgment within sixty days after signing or after the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order in which the signatory is a party, whichever occurs first. After the rescission period a signed, notarized acknowledgment is considered a legal finding which may be challenged only on the basis of fraud, duress, or material mistake of fact with the burden of proof upon the challenger, and the legal responsibilities, including the child support obligation, of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown. Such a signed and notarized acknowledgment or a certified copy or certified reproduction thereof shall be admissible in evidence in any proceeding to establish support.

Sec. 102. Section 43-1412, Revised Statutes Supplement, 1996, is amended to read:

43-1412. (1) The method of trial shall be the same as that in other civil proceedings, except that the trial shall be by the court without a jury unless a jury is requested (a) by the alleged father, in a proceeding instituted by the mother as the guardian or next friend, or (b) by the mother, in a proceeding instituted by the alleged father. It being contrary to public policy that such proceedings should be open to the general public, no one but the parties, their counsel, and others having a legitimate interest in the controversy shall be admitted to the courtroom during the trial of the case. The alleged father and the mother shall be competent to testify. The uncorroborated testimony (i) of the mother, in a proceeding instituted by the mother or the guardian or next friend, or (ii) of the alleged father, in a proceeding instituted by the alleged father, shall not alone be sufficient to support a verdict or finding that the alleged father is actually the father. Refusal by the alleged father to comply with an order of the court for genetic testing shall be deemed corroboration of the allegation of paternity. A signed and notarized acknowledgment of paternity or a certified copy or certified reproduction thereof shall be admissible in evidence in any proceeding to establish paternity without the need for foundation testimony or other proof of authenticity or accuracy.

If it is determined in this proceeding that the alleged father is actually the father of the child, a judgment shall be entered declaring the alleged father to be the father of the child.

(2) A default judgment shall be entered upon a showing of service

and failure of the respondent to answer or otherwise appear.

(3) If a judgment is entered under this section declaring the alleged father to be the father of the child, the court shall retain jurisdiction of the cause and enter such order of support, including the amount, if any, of any court costs and attorney's fees which the court in its discretion deems appropriate to be paid by the father, as may be proper under the procedure and in the manner specified in section 43-512.04. If it is not determined in the proceeding that the alleged father is actually the father of the child, the court shall, if it finds that the action was frivolous, award court costs and attorney's fees incurred by the alleged father, with such costs and fees to be paid by the plaintiff.

(4) All judgments under this section declaring the alleged father to be the father of the child shall include the father's social security number.

Sec. 103. Section 43-1414, Revised Statutes Supplement, 1996, is amended to read:

43-1414. In any proceeding to establish paternity, the court may, on its own motion, or shall, on a timely request of a party, after notice and hearing, require the child, the mother, and the alleged father to submit to genetic testing to be performed on blood or any other appropriate tissue. Failure to comply with such requirement for genetic testing shall constitute contempt and may be dealt with in the same manner as other contempts. If genetic testing is required, the court shall direct that inherited characteristics, ~~including, but not limited to, blood types,~~ be determined by appropriate testing procedures and shall appoint an expert in genetic testing and qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court. The court shall determine the number of experts required.

In any proceeding to establish paternity, the Director of Health and Human Services, county attorneys, and authorized attorneys have the authority to require the child, the mother, and the alleged father to submit to genetic testing to be performed on blood or any other appropriate tissue.

For purposes of sections 43-1414 to 43-1418, an expert in genetic testing ~~shall mean~~ means a person who has formal doctoral training or postdoctoral training in human genetics.

Sec. 104. 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 seven 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

(i) 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 shall implement income withholding as otherwise provided in the Income Withholding for Child Support Act.

Sec. 105. Section 43-1723, Revised Statutes Supplement, 1996, is amended to read:

43-1723. Except as otherwise provided in this section, the county attorney, the authorized attorney, or the department shall notify the obligor's employer or other payor, ~~in the manner provided for service of a summons in a civil action by first-class mail or by electronic means,~~ within the time determined by the department which shall comply with the requirements of Title IV-D of the federal Social Security Act, as amended. The notice shall specify the basis for the assignment of income and shall direct:

(1) That the employer or other payor shall withhold from the obligor's disposable income the amount certified by the county attorney, the authorized attorney, or the department for the purpose of reducing and satisfying the obligor's (a) previous arrearage in child, spousal, or medical support payments arising from the obligor's failure to fully comply with a support order previously entered and (b) ongoing obligation for support payments as they become due;

(2) That the employer or other payor shall implement income withholding no later than the first pay period that occurs after fourteen days following the date on the notice: ~~is served;~~

(3) 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 certified to be withheld pursuant to section 43-1722 or any court order;

(4) 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;

(5) That the employer or other payor shall remit, within ~~ten seven~~ 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 expense by subdivision (4) 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;

(6) That the employer or other payor shall notify the county attorney, the authorized attorney, or the department in writing of the termination of the employment or income of the obligor, the last-known address of the obligor, and the name and address of the obligor's new employer or other payor, if known, and shall provide such written notification within thirty days after the termination of employment or income;

(7) That income withholding is binding on the employer or other payor until further notice by the county attorney, the authorized attorney, or the department;

(8) 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 an income withholding notice if the portion of the single payment which is attributable to each individual obligor is separately identified;

(9) 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 an income withholding notice shall be subject to the penalties prescribed in sections 43-1724 and 43-1725; and

(10) 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 section 43-1722 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. The county attorney, the authorized attorney, or the department need not notify the Commissioner of Labor as a payor if the commissioner is withholding for child support from the obligor under section 48-647 for the same support order.

Sec. 106. 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.

(5) Each provider of child care and school-age-care programs receiving orientation or training shall provide his or her social security number to the department.

Sec. 107. Section 43-2609, Reissue Revised Statutes of Nebraska, 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 application for registration shall include the applicant's social security number. 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. 108. Section 43-2904, Revised Statutes Supplement, 1996, is amended to read:

43-2904. (1) In any proceeding under Chapter 30, 42, or 43 in which the parenting of minor children is in issue except any proceeding under the Revised Uniform Reciprocal Enforcement of Support Act or the Uniform Interstate Family Support Act, subsequent to the initial filing or upon filing of an application for modification of a decree, the parties shall receive from the clerk of the court information regarding the divorce process, a divorce time-line, parenting during and after divorce, the parenting plan, the mediation process, and resource materials, as well as the availability of mediation through the conciliation office, other court-based programs, or the state mediation centers as established through the Office of Dispute Resolution. Development of these informational materials and the implementation of this subsection shall be accomplished through the State Court Administrator.

(2) Mediators shall be trained to recognize domestic violence.

Screening guidelines and safety procedures for cases involving child abuse, spouse abuse, or both shall be devised by the State Court Administrator. If the case is determined not to involve child abuse, spouse abuse, or both and both parties voluntarily agree to mediation, the case may be scheduled for future mediation sessions.

Sec. 109. Section 44-101.01, Reissue Revised Statutes of Nebraska, is amended to read:

44-101.01.

The Department of Insurance shall have general supervision, control, and regulation of insurance companies, associations, and societies and the business of insurance in Nebraska, including companies in process of organization. The Director of Insurance shall be the chief administrative officer of the department. The director shall have the power and duty to enforce and execute all the insurance laws of this state and to adopt and promulgate all needful rules and regulations for the purpose of carrying out the true spirit and meaning of Chapter 44 and all laws relating to the business of insurance and, to that end, may authorize and empower an assistant or employee to do any and all things that he or she may do and on his or her behalf, and he or she shall see that all laws respecting insurance companies and insurance agents are faithfully executed. The director or his or her representative shall issue all certificates and licenses as provided for in Chapter 44. If the applicant is an individual, the application for a certificate or license shall include the applicant's social security number. The director and his or her authorized representative shall have the power and authority to do all things and to perform all acts the department is given the power and authority to do.

Sec. 110. Section 44-1950, Reissue Revised Statutes of Nebraska, is amended to read:

44-1950.

Title insurance agents shall be licensed, examined, and trained as to title insurance coverages in the manner provided for in Chapter 44. The application for a license shall include the applicant's social security number.

Sec. 111. Section 44-2621, Reissue Revised Statutes of Nebraska, is amended to read:

44-2621.

Every individual applicant for a license under sections 44-2606 to 44-2635 shall have attained the age of majority, shall be competent, trustworthy, financially responsible, and of good personal and business reputation, and shall have been licensed as an agent, broker, or consultant in this state or another state for the three years immediately preceding the date of application or have successfully completed a specific program of study which has a broad national or regional recognition as determined by the director. Application shall be made to the director on forms prescribed by the director and shall be accompanied by a license fee as established by the director not to exceed one hundred dollars for each resident individual license, not to exceed one hundred fifty dollars for each nonresident individual license, not to exceed one hundred fifty dollars for each resident corporate, partnership, or limited liability company license, and not to exceed one hundred fifty dollars for each nonresident corporate, partnership, or limited liability company license. If the applicant is an individual, the application shall include the applicant's social security number.

The director may issue an insurance consultant's license in two areas: Property and casualty insurance; and life, health, and annuities. A person may become licensed in either one or both of such areas.

Sec. 112. Section 44-4015, Reissue Revised Statutes of Nebraska, is amended to read:

44-4015.

All licenses issued pursuant to the Insurance Producers Licensing Act shall state the name, and business address, and social security number of the licensed person, the date of issue, the expiration date, the line or lines of insurance covered by the license, and such other information as the director considers proper for inclusion in the license. All agency licenses issued under the Insurance Producers Licensing Act shall expire on April 30 of each year, and all agent and broker licenses shall expire on the last day of the month of the licensed person's birthday in the first year after issuance in which his or her age is divisible by two and such agent and broker licenses may be renewed within the ninety-day period before their expiration dates. The department shall establish procedures for the renewal of licenses. Every person licensed under the Insurance Producers Licensing Act shall notify the department within thirty days of any change in such person's residential or business address. Any person failing to provide such notification shall be subject to a fine by the director of not more than five hundred dollars per violation, suspension of the person's license until the change of address is reported to the department, or both.

Sec. 113. Section 44-5503, Reissue Revised Statutes of Nebraska, is

amended to read:

44-5503. The department, in consideration of the payment of the license fee and the furnishing of a bond as provided in section 44-5504, may issue a resident surplus lines license, revocable at any time, to any individual who currently holds a resident agent's license or resident broker's license or to a foreign or domestic corporation. The corporate surplus lines license shall list all officers or employees of the corporation who currently hold a resident broker's license or meet the requirements for an individual surplus lines license and who have authority to act as a broker or transact surplus lines business on behalf of the corporation. Only individuals listed on the corporate surplus lines license shall transact surplus lines business on behalf of the corporate licensee. If the applicant is an individual, the application for the license shall also include the applicant's social security number.

Sec. 114. Section 44-5603, Reissue Revised Statutes of Nebraska, is amended to read:

44-5603. (1) No person, firm, association, or corporation shall act as a reinsurance intermediary-broker in this state if the reinsurance intermediary-broker maintains an office directly, as a member or employee of a firm or association, or as an officer, director, or employee of a corporation:

(a) In this state unless such reinsurance intermediary-broker is a licensed producer in this state; or

(b) In another state unless such reinsurance intermediary-broker is a licensed producer in this state or another state having a law substantially similar to the Reinsurance Intermediary Act or such reinsurance intermediary-broker is licensed in this state as a nonresident reinsurance intermediary.

(2) No person, firm, association, or corporation shall act as a reinsurance intermediary-manager:

(a) For a reinsurer domiciled in this state unless such reinsurance intermediary-manager is a licensed producer in this state;

(b) In this state if the reinsurance intermediary-manager maintains an office directly, as a member or employee of a firm or association, or as an officer, director, or employee of a corporation in this state unless such reinsurance intermediary-manager is a licensed producer in this state; or

(c) In another state for an insurer not domiciled in this state unless such reinsurance intermediary-manager is a licensed producer in this state or another state having a law substantially similar to the Reinsurance Intermediary Act or such reinsurance intermediary-manager is licensed in this state as a nonresident reinsurance intermediary.

(3) The director may require a reinsurance intermediary-manager subject to subsection (2) of this section to:

(a) File a bond in an amount from an insurer acceptable to the director for the protection of the reinsurer; and

(b) Maintain an errors and omissions policy in an amount acceptable to the director.

(4)(a) The director may issue a reinsurance intermediary license to any person, firm, association, or corporation which has complied with the requirements of the Reinsurance Intermediary Act. Any such license issued to a firm or association shall authorize all the members of such firm or association and any designated employees to act as reinsurance intermediaries under the license, and all such persons shall be named in the application and any supplements thereto. Any such license issued to a corporation shall authorize all of the officers and any designated employees and directors to act as reinsurance intermediaries on behalf of such corporation, and all such persons shall be named in the application and any supplements thereto.

(b) If the applicant for a reinsurance intermediary license is a nonresident, such applicant, as a condition precedent to receiving or holding a license, shall (i) designate the director as agent for service of process in the manner and with the same legal effect provided for by Chapter 44 for designation of agents for service of process upon unauthorized insurers and (ii) furnish the director with the name and address of a resident of this state upon whom notices or orders of the director or process affecting such nonresident reinsurance intermediary may be served. Such licensee shall promptly notify the director in writing of every change in its designated agent for service of process, and such change shall not become effective until acknowledged by the director.

(5) The director may refuse to issue a reinsurance intermediary license if in his or her judgment he or she determines that the applicant, any person named on the application, or any member, principal, officer, or director of the applicant is not trustworthy, that any controlling person of such applicant is not trustworthy to act as a reinsurance intermediary, or

that any of the foregoing have given cause for revocation or suspension of such license or have failed to comply with any prerequisite for the issuance of such license. Upon written request by the applicant, the director shall furnish to the applicant a summary of the basis for refusal to issue a license, which summary shall be privileged and not subject to public disclosure.

(6) Applications for reinsurance intermediary licenses shall be made to the director on forms designated and furnished by the director and shall be accompanied by a license fee established by the director not to exceed two hundred fifty dollars. If the applicant is an individual, the application for the license shall also include the applicant's social security number. All reinsurance intermediary licenses shall expire on April 30 of each year. Reinsurance intermediary licenses may be renewed within the ninety-day period before their expiration dates. The director shall establish procedures for the renewal of reinsurance intermediary licenses. Every licensee shall notify the director within thirty days of any change in the licensee's business or residential address.

(7) Attorneys of this state acting in their professional capacity shall be exempt from this section.

Sec. 115. Section 45-117, Reissue Revised Statutes of Nebraska, is amended to read:

45-117. Any person who desires to obtain an original license to engage in the business of lending money under the terms and conditions of sections 45-114 to 45-155 and sections 45-173 to 45-188 shall apply therefor under oath, on forms prescribed by the Department of Banking and Finance, to the department, and shall pay an original license fee in the sum of one hundred fifty dollars, and, if the application is approved, a license as herein provided shall be issued. If such application is not approved, the department shall return to the applicant said sum of one hundred fifty dollars less any part of the investigation, inspection, and publication costs provided for by section 45-118, which shall not have been paid by the applicant. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 116. Section 45-346, Reissue Revised Statutes of Nebraska, is amended to read:

45-346. Within sixty days after May 24, 1965, each place of business operating under a license under sections 45-334 to 45-353 shall have and properly display therein a nontransferable and nonassignable license. The same person may obtain additional licenses upon compliance with sections 45-334 to 45-353 as to each license. Application for a license shall be on a form prescribed and furnished by the director. If the applicant is an individual, the application shall include the applicant's social security number. A licensee may move his or her place of business from one place to another within a county without obtaining a new license if he or she has given written notice thereof to the director at least ten days prior to such removal. The director shall, after an application has been filed for a license under sections 45-334 to 45-353, investigate the facts, and, if he or she shall find that the experience, character, and general fitness of the applicant and of the members thereof if the applicant be a corporation or association, and of the officers and directors thereof if the applicant be a corporation, are such as to warrant belief that the business will be operated honestly, fairly and efficiently within the purpose of sections 45-334 to 45-353, the director shall issue and deliver a license to the applicant to do business as a sales finance company in accordance with the license and the provisions of sections 45-334 to 45-353. The director shall have the power to reject for cause any application for a license. The director shall, within his or her discretion, make an examination and inspection concerning the propriety of the issuance of a license to any applicant. The cost of such examination and inspection shall be borne by the applicant. Submitted with each application shall be one hundred fifty dollars as a license fee. The license year shall begin on October 1 of each year. Each license shall remain in force until surrendered.

Sec. 117. Section 45-605, Reissue Revised Statutes of Nebraska, is amended to read:

45-605. The board shall be responsible for the administration of the Collection Agency Act. All applications for licenses provided for in the act shall be made to the board. If the applicant is an individual, the application shall include the applicant's social security number. The board shall investigate the qualifications of each applicant for a license. Based on the results of the investigation, the board may either issue a license to the applicant upon the payment of the license fee and the furnishing of the bond provided for in section 45-608 or refuse to issue such license. The

action of the board may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 118. Section 45-705, Revised Statutes Supplement, 1996, is amended to read:

45-705. (1) No person shall act as a mortgage banker or use the title mortgage banker in this state unless he, she, or it is licensed or has registered with the department as provided in the Mortgage Bankers Registration and Licensing Act.

(2) Applicants for a license shall submit to the department an application on forms provided by the department. The application shall include, but not be limited to, (a) all addresses at which business is to be conducted, (b) the names and titles of each director and principal officer of the applicant, and (c) a description of the activities of the applicant in such detail as the department may require, and (d) if the applicant is an individual, his or her social security number.

(3) The application required by this section shall include or be accompanied by, in a manner as prescribed by the director, (a) the name and street address in this state of a registered agent appointed by the licensee for receipt of service of process and (b) the written consent of the registered agent to the appointment.

(4) The application required by this section shall be accompanied by an application fee of three hundred dollars.

(5) A license granted under the act shall not be assignable.

Sec. 119. Section 45-905, Revised Statutes Supplement, 1996, is amended to read:

45-905. (1) An applicant for a license shall submit an application, under oath, to the director on forms prescribed by the director. The forms shall contain such information as the director may prescribe, including, but not limited to:

(a) The applicant's financial condition;

(b) The qualifications and business history of the applicant and of its officers, directors, shareholders, partners, or members;

(c) Whether the applicant or any of its officers, directors, shareholders, partners, or members have ever been convicted of any (i) misdemeanor involving any aspect of a delayed deposit services business or any business of a similar nature or (ii) felony;

(d) Whether the applicant or any of its officers, directors, shareholders, partners, or members have ever been permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of a delayed deposit services business or any business of a similar nature; and

(e) A description of the applicant's proposed method of doing business; and

(f) If the applicant is an individual, the applicant's social security number.

(2) The director shall cause a criminal history record information check to be conducted of the applicant, its officers, directors, shareholders, partners, or members. The direct cost of the criminal history record information check shall be paid by the applicant.

Sec. 120. Section 46-297, Reissue Revised Statutes of Nebraska, is amended to read:

46-297. Any person who has an approved, unperfected appropriation pursuant to Chapter 46, article 2, may apply to the department for a modification of such permit to include intentional underground water storage associated with the appropriation. The application shall be made on a form prescribed and furnished by the department without cost to the applicant. If the applicant is an individual, the application for a permit shall include the applicant's social security number. Upon receipt of such an application, the department shall proceed in accordance with rules and regulations adopted and promulgated by the department, subject to section 46-226.02.

Sec. 121. Section 46-637, Reissue Revised Statutes of Nebraska, is amended to read:

46-637. The use of water described in section 46-636 may only be made after securing a permit from the Department of Water Resources for such use. If the applicant is an individual, the application for a permit shall include the applicant's social security number. In approving or disapproving applications for such permits, the Director of Water Resources shall take into account the effect that such pumping may have on the amount of water in the stream and its ability to meet the requirements of appropriators from the stream. This section shall not apply to water wells located within fifty feet of the bank of any natural stream which were in existence on September 9, 1993.

Sec. 122. Section 46-1229, Reissue Revised Statutes of Nebraska, is amended to read:

46-1229. Each water well contractor or pump installation contractor desiring to engage in the construction of water wells or the installation of pumps and pumping equipment shall make initial application for a license to the department. Each such application shall include satisfactory evidence that the applicant is at least the age of majority and is of good moral character. The department shall charge an application fee set by the board pursuant to section 46-1224 for the filing of such application. The department shall not act upon any application until the application fee for such license has been paid. A license to engage in the construction of water wells or the installation of pumps and pumping equipment shall be issued to every applicant who demonstrates professional competence by successfully passing the examination prescribed in section 46-1223, pays the appropriate license fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Applicants shall receive licenses for any category or combination of categories for which they have successfully passed the required examination. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 123. Section 46-1231, Reissue Revised Statutes of Nebraska, is amended to read:

46-1231. Each water well drilling supervisor, pump installation supervisor, and water well monitoring supervisor shall make application for a certificate of competence in his or her respective trade. The application shall include the applicant's social security number. Such application shall be made to the department which shall charge an application fee set by the board pursuant to section 46-1224 for the filing of such application, and the department shall not act upon any application until the application fee for such certificate has been paid. A certificate shall be issued to every applicant who successfully passes the examination for such certificate, pays the appropriate certification fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Any individual employed by a water well contractor or a pump installation contractor who is not deemed to qualify as a water well drilling supervisor or pump installation supervisor may make application for a certificate of competence in his or her respective trade in the same manner as the water well drilling supervisor or the pump installation supervisor.

Sec. 124. Section 48-149, Reissue Revised Statutes of Nebraska, is amended to read:

48-149. No proceeds or interest thereon from payments or lump-sum settlements under the Nebraska Workers' Compensation Act or law of another state which provides compensation and benefits for employees sustaining job-related injuries shall be assignable, subject to attachment or garnishment, or held liable in any way for any debts, except (1) as provided in section 48-108 and (2) payments under the act or any law of another state which provides compensation and benefits for employees sustaining job-related injuries shall be subject to income withholding under the Income Withholding for Child Support Act, administrative attachment and bank matching pursuant to sections 28 to 39 of this act, and garnishment by a county attorney or authorized attorney pursuant to section 43-512.03 or garnishment for child support as defined in section 43-1705 by an obligee as defined in section 43-1713.

Sec. 125. Section 48-161, Reissue Revised Statutes of Nebraska, is amended to read:

48-161. All disputed claims for workers' compensation shall be submitted to the Nebraska Workers' Compensation Court for a finding, award, order, or judgment. Such compensation court shall have jurisdiction to decide any issue ancillary to the resolution of an employee's right to workers' compensation benefits, except that jurisdiction with respect to income withholding pursuant to the Income Withholding for Child Support Act shall be as provided in such act, and jurisdiction with respect to garnishment for support shall be as provided in sections 25-1009 to 25-1056 and 43-512.09, and jurisdiction with respect to administrative attachment and bank matching shall be as provided in sections 28 to 39 of this act.

Sec. 126. Section 48-418, Reissue Revised Statutes of Nebraska, is amended to read:

48-418. The Commissioner of Labor shall, on or before the first day of July 1965, appoint a state elevator inspector, subject to the approval of the Governor, who shall work under the direct supervision of the commissioner. The person so appointed shall be qualified by not less than five years'

journeyman experience in elevator installation, maintenance, and inspection as determined by the Commissioner of Labor and shall be familiar with the inspection process provided by the Nebraska Elevator Code provided under section 48-418.12. The commissioner, subject to the approval of the Governor, may appoint deputy inspectors possessing the same qualifications as the state elevator inspector. A qualified individual may apply for the position of deputy inspector and such application shall include the applicant's social security number.

Sec. 127. Section 48-503, Reissue Revised Statutes of Nebraska, is amended to read:

48-503. No person, firm, or corporation in this state shall open, operate, or maintain a private employment agency for hire or for help without first obtaining a license for the same from the Commissioner of Labor, and the license fee shall be one hundred fifty dollars per annum payable in advance on May 1 of each year, and each license shall expire on April 30 of each year. When application is made by a firm or corporation, it must be verified by each member who will benefit from such license. The Commissioner of Labor may require evidence of the moral character of all applicants and make such investigation of the applicants as he or she deems necessary. If the applicant is an individual, the application shall include the applicant's social security number. No ~~and no~~ license shall be issued to any person or persons except those of good moral character. No license shall be issued to any person or persons if anyone financially interested in or who has managerial control of the proposed private employment agency has been convicted of a felony. Such licenses shall permit the private employment agency to maintain one office under such license and to conduct business only at that location. Every license shall contain a designation of the city, street, and number of the building in which the licensed parties conduct such private employment agency. In case of removal to another location during the period covered by such license, the commissioner shall be notified thirty days prior to the change of location and the license corrected accordingly. No such license shall be transferable.

Sec. 128. Section 48-1704, Revised Statutes Supplement, 1996, is amended to read:

48-1704. (1) Except as otherwise provided by the Farm Labor Contractors Act, no person shall act as a farm labor contractor and engage in farm labor contracting activity unless such person holds a valid license issued by the department.

(2) Farm labor contractor licenses may be issued by the department only as follows:

(a) To an individual operating as a sole proprietor under the person's own name or under an assumed business name registered with the state;

(b) To two or more individuals operating as a partnership under their own names or under an assumed business name registered with the state; and

(c) To a corporation, limited liability company, or cooperative association authorized to do business in Nebraska.

(3) An application for a license as a farm labor contractor shall be sworn to by the applicant and shall be written on a form prescribed by the department. The form shall include, but not be limited to, the following:

(a) The applicant's name and Nebraska address, ~~and~~ all other temporary and permanent addresses the applicant uses or knows will be used in the future, ~~and, if the applicant is an individual, the applicant's social security number;~~

(b) Information on all motor vehicles to be used by the applicant in operations as a farm labor contractor, including the license number and state of licensure, the vehicle number, and the name and address of the vehicle owner for all vehicles used for farm labor contracting activity;

(c) Whether or not the applicant was ever denied a license under the Farm Labor Contractors Act or in any other jurisdiction under a similar law or had such a license revoked or suspended; and

(d) The names and addresses of all persons financially interested, whether as partners, limited liability company members, shareholders, associates, or profit sharers in the applicant's proposed operations as a farm labor contractor, together with the amount of their respective interests, and whether or not, to the best of the applicant's knowledge, any of such persons was ever denied a license under the act or in any other jurisdiction or had such a license revoked or suspended.

Sec. 129. Section 48-2105, Revised Statutes Supplement, 1996, is amended to read:

48-2105. Each contractor shall apply to the department for a registration number on an application form provided by the department. The

application shall contain the following information:

(1) The name and, if the applicant is an individual, the social security number of the contractor;

(2) The principal place of business of the contractor in Nebraska. If the contractor's principal place of business is outside Nebraska, the application shall state the address of the contractor's principal place of business and the name and address of the contractor's registered agent in Nebraska;

(3) The telephone number of the contractor in the State of Nebraska. If the contractor's principal place of business is outside Nebraska, the application shall state the telephone number of the contractor's principal place of business and the telephone number of the contractor's registered agent in Nebraska;

(4) The type of business entity of the contractor such as corporation, partnership, limited liability company, sole proprietorship, or trust;

(5) The following information about the business entity:

(a) If the contractor is a corporation, the name, address, telephone number, and position of each officer of the corporation; and

(b) If the contractor is other than a corporation, the name, address, and telephone number of each owner;

(6) Proof of (a) a certificate or policy of insurance written by an insurance carrier duly authorized to do business in this state which gives the effective dates of workers' compensation insurance coverage indicating that it is in force, (b) a certificate evidencing approval of self-insurance privileges as provided by the Nebraska Workers' Compensation Court pursuant to section 48-145, or (c) a signed statement indicating that the contractor is not required to carry workers' compensation insurance pursuant to the Nebraska Workers' Compensation Act; and

(7) A description of the business which includes the employer's standard industrial classification code or the principal products and services provided.

Each application shall be renewed annually upon payment of the fee prescribed in section 48-2107.

Sec. 130. Section 49-1480, Reissue Revised Statutes of Nebraska, is amended to read:

49-1480. Every person employed, retained, or authorized as a lobbyist shall, before commencing any lobbying activity, file an application with the Clerk of the Legislature for registration as a lobbyist, and if the clerk is satisfied that the application has been properly prepared the registration shall be deemed to be complete. The application shall be on a form prescribed by the clerk and approved by the Executive Board of the Legislative Council, and shall include as a minimum the following:

(1) The name, permanent residence address, and office address of the lobbyist and, if the applicant is an individual, the applicant's social security number;

(2) The name and address of the principal of such lobbyist;

(3) The nature of the business of such principal and the amounts or sums given or to be given the lobbyist as compensation or reimbursement for lobbying. A lobbyist who is salaried or retained by a principal need only report that portion of compensation or reimbursement reasonably attributable to lobbying;

(4) A description of the business activity of the lobbyist;

(5) An identification of the matters on which the principal or lobbyist expects to lobby;

(6) If the principal is an industry, trade or professional association, a specific description of the industry, trade, or profession represented by the principal and the names and addresses of its officers;

(7) If the principal is not an industry, trade, or professional association, a specific description of the interests and groups represented by the principal and the names and addresses of its officers; and

(8) The name and address of any official in the legislative or executive branch, and of any members of any such official's staff or immediate family who is employed by the lobbyist or any person acting on behalf of such lobbyist if such information is known or reasonably should have been known to the lobbyist.

Sec. 131. Section 53-124, Revised Statutes Supplement, 1996, is amended to read:

53-124. At the time application is made to the commission for a license of any type, the applicant shall pay the fee provided in this section and, if the applicant is an individual, provide the applicant's social security number. The fees for annual licenses finally issued by the



commission shall be as follows:

- (1) For a license to manufacture alcohol and spirits ..... \$1,000.00;
- (2) For a license to manufacture beer and wine or to operate a farm winery or craft brewery:
  - (a) Manufacture of beer, excluding beer produced by a craft brewery:
    - (i) 1 to 100 barrel daily capacity, or any part thereof ..... \$100.00
    - (ii) 100 to 150 barrel daily capacity ..... 200.00
    - (iii) 150 to 200 barrel daily capacity ..... 350.00
    - (iv) 200 to 300 barrel daily capacity ..... 500.00
    - (v) 300 to 400 barrel daily capacity ..... 650.00
    - (vi) 400 to 500 barrel daily capacity ..... 700.00
    - (vii) 500 barrel daily capacity, or more ..... 800.00;
  - (b) Operation of a craft brewery ..... \$250.00;
  - (c) Manufacture of wines ..... \$250.00;
  - (d) Operation of a farm winery ..... \$250.00.

For purposes of subdivision (2)(a) of this section, daily capacity shall mean the average daily barrel production for the previous twelve months of manufacturing operation. If no such basis for comparison exists, the manufacturing licensee shall pay in advance for the first year's operation a fee of five hundred dollars;

(3) Alcoholic liquor wholesale license, for the first and each additional wholesale place of business operated in this state by the same licensee and wholesaling alcoholic liquor, except beer and wines produced from farm wineries ..... \$500.00;

(4) Beer wholesale license, for the first and each additional wholesale place of business operated in this state by the same licensee and wholesaling beer only ..... \$250.00;

(5) For a retail license:
(a) Class A: Beer only except for craft breweries, inside the corporate limits of cities and villages, for consumption on the premises, the sum of ten dollars in villages having a population of five hundred inhabitants or less; twenty-five dollars in villages or cities having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; fifty dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and one hundred dollars in cities having a population of ten thousand inhabitants or more;

(b) Class B: Beer only except for craft breweries, for consumption off the premises, sales in the original packages only, the sum of twenty-five dollars;

(c) Class C: Alcoholic liquor inside the corporate limits of cities and villages, for consumption on the premises and off the premises, sales in original packages only, the sum of two hundred fifty dollars, except for farm winery or craft brewery sales outlets. If a Class C license is held by a nonprofit corporation, it shall be restricted to consumption on the premises only. A Class C license may have a sampling designation restricting consumption on the premises to sampling, but such designation shall not affect sales for consumption off the premises under such license;

(d) Class D: Alcoholic liquor, including beer, inside the corporate limits of cities and villages, for consumption off the premises, sales in the original packages only, except as provided in subsection (2) of section 53-123.04, the sum of one hundred fifty dollars, except for farm winery or craft brewery sales outlets;

(e) Class E: Alcoholic liquor outside the corporate limits of cities and villages in any county in which there is no incorporated city or village or in which the county seat is not located in an incorporated city or village, for consumption off the premises, sales in the original packages only, not less than one hundred fifty dollars for each license, except for farm winery or craft brewery sales outlets;

(f) Class F: Beer only except for craft breweries, outside the corporate limits of cities and villages, for consumption on the premises, not less than twenty-five dollars for each license, the precise amount in each case to be such sum as equals the amount of license fee fixed in this section plus the occupation tax fixed by ordinance, if any, in the nearest

incorporated city or village in the same county;

(g) Class H: Alcoholic liquor, including beer, issued to a nonprofit corporation, for consumption on the premises:

(i) Inside the corporate limits of cities and villages, regardless of alcoholic content, the sum of twenty dollars in villages having a population of five hundred inhabitants or less; fifty dollars in villages or cities having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; one hundred dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and two hundred dollars in cities having a population of ten thousand inhabitants or more; and

(ii) Outside the corporate limits of cities and villages, not less than two hundred fifty dollars for each license, the precise amount in each case to be such sum as equals the amount of license fee fixed in this section plus the occupation tax fixed by ordinance, if any, in the nearest incorporated city or village in the same county. If the incorporated city or village does not have an occupation tax for nonprofit corporation licenses, then the licensee shall pay an amount equal to a Class C license occupation tax for such city or village.

A Class H license shall not be issued to any corporation authorized by law to receive a Class C license unless the nonprofit corporation is open for sale of alcoholic liquor, including beer, for consumption on the premises not more than two days in any week;

(h) Class I: Alcoholic liquor, inside the corporate limits of cities and villages, for consumption on the premises, the sum of two hundred dollars, except for farm winery or craft brewery sales outlets;

(i) Class J: Beer and wine only except for craft breweries, inside the corporate limits of cities and villages, for consumption on the premises of restaurants only, the sum of fifty dollars in villages having a population of five hundred inhabitants or less; seventy-five dollars in villages or cities having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; one hundred twenty-five dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and two hundred twenty-five dollars in cities having a population of ten thousand inhabitants or more; and

(j) Class K: Wine only, for consumption off the premises, sales in original packages only, except as provided in subsection (2) of section 53-123.04, the sum of one hundred twenty-five dollars.

All applicable license fees shall be paid by the applicant or licensee directly to the city or village treasurer in the case of premises located inside the corporate limits of a city or village and directly to the county treasurer in the case of premises located outside the corporate limits of a city or village, except that the fee for a Class D license shall be paid directly to the commission;

(6) For a railroad license ..... \$100.00 and \$1.00 for each duplicate;

(7) For a boat license ..... \$50.00;

(8) For a nonbeverage user's license:

Class 1 ..... \$ 5.00

Class 2 ..... 25.00

Class 3 ..... 50.00

Class 4 ..... 100.00

Class 5 ..... 250.00;

(9) For a bottle club license, two hundred fifty dollars in any county having a population of less than five thousand five hundred inhabitants and five hundred dollars in any county having a population of five thousand five hundred inhabitants or more. No such license shall be issued within the corporate limits of any city or village when a license as provided in subdivision (5)(c) of this section has been issued in such city or village. The applicable fee shall be paid by the applicant or licensee directly to the city or village treasurer in the case of a bottle club license within the corporate limits of a city or village and directly to the county treasurer in the case of a bottle club license outside the limits of any city or village;

(10) For an airline license ..... \$100.00 and \$1.00 for each duplicate; and

(11) For a shipping license ..... \$200.00.

The license year, unless otherwise provided in the Nebraska Liquor Control Act, shall commence on May 1 of each year and shall end on the following April 30, except that the license year for a Class C license shall commence on November 1 of each year and shall end on the following October 31. During the license year, no license shall be issued for a sum less than the amount of the annual license fee as fixed in this section, regardless of the

time when the application for such license has been made.

Sec. 132. Section 54-161, Reissue Revised Statutes of Nebraska, is amended to read:

54-161. Any person who operates a drylot cattle feeding operation within the confines of permanently fenced lots and within the Nebraska brand inspection area may make application to the chief brand inspector of the Nebraska Brand Committee for registration as a feedlot. A prescribed form shall be made available by the chief brand inspector for this purpose upon written request. If the applicant is an individual, the application shall include the applicant's social security number. After the committee has received a properly completed application, an agent of the committee shall within thirty days make an investigation to determine that the following requirements are satisfied:

(1) The operator's feedlot must be a permanently fenced drylot; and  
(2) The operator must commonly practice feeding cattle to finish for slaughter.

If the application is satisfactory, and upon payment of a registration fee by the applicant, the committee shall issue a registration number for the feedlot valid for one year unless rescinded for cause. If the registration number is rescinded for cause, any registration fee shall be forfeited by the applicant. The fees for registered feedlots shall be not less than one hundred dollars nor more than six hundred fifty dollars for each such registered lot having one thousand head or less capacity and an equal amount for each additional one thousand head capacity, or part thereof, of such registered feedlot. The committee shall set the fee per one thousand head capacity, so as to correspond with the inspection fee assessed under section 54-147. The registration fee shall be paid on an annual basis and the permit shall be renewed by the applicant on an annual basis. All money collected from such registration fees shall be deposited and expended in the manner provided in section 54-147.

Sec. 133. Section 54-850, Reissue Revised Statutes of Nebraska, is amended to read:

54-850. (1) No person shall manufacture or distribute commercial feed in this state unless such person holds a valid license for each manufacturing and distribution facility in this state. Any out-of-state manufacturer or distributor who has no distribution facility within this state shall obtain a license for his or her principal out-of-state office if he or she markets or distributes commercial feed in the State of Nebraska.

(2) Application for a license shall be made to the department on forms prescribed and furnished by the department. The application shall be accompanied by an annual license fee of fifteen dollars. If the applicant is an individual, the application shall include the applicant's social security number. Licenses shall be renewed on or before January 1 of each year.

(3) A copy of the valid license shall be posted in a conspicuous place in each manufacturing or distribution facility.

(4) This section shall not apply to any person who distributes less than a five-ton volume of commercial feed annually.

(5) The director may refuse to issue a license for any commercial feed facility not in compliance with the Commercial Feed Act and may cancel any license subsequently found not in compliance with such act. No license shall be refused or canceled unless the applicant has been given an opportunity to be heard before the director.

Sec. 134. Section 54-1161, Reissue Revised Statutes of Nebraska, is amended to read:

54-1161. No person shall conduct or operate a livestock auction market unless he or she holds a market license therefor, upon which the current annual market license fee has been paid. Any person making application for a new market license shall do so to the board in writing, verified by the applicant, on a form prescribed by the board, showing the following:

(1) The name and address of the applicant and, if the applicant is an individual, his or her social security number, with statement of the names and addresses of all persons having any financial interest in the applicant and the amount of such interest;

(2) Financial responsibility of the applicant in the form of a statement of all assets and liabilities;

(3) A legal description of the property and its exact location with a complete description of the facilities proposed to be used in connection with such livestock auction market;

(4) The schedule of charges applicant proposes for all services proposed to be rendered; and

(5) A detailed statement of the facts upon which the applicant

relies showing the general confines of the trade area proposed to be served by such livestock auction market, the benefits to be derived by the livestock industry, and the services proposed to be rendered.

Such application shall be accompanied by the annual fee as prescribed in section 54-1165.

Sec. 135. Section 54-1176, Reissue Revised Statutes of Nebraska, is amended to read:

54-1176. Upon application in writing to the director, accompanied by a permit fee of one dollar, the director shall issue annual licenses to weighmasters required by section 54-1175. If the applicant is an individual, the application shall include the applicant's social security number. Subject to the conditions of sections 54-152 and 54-1157 to 54-1186, the director may summarily dismiss any weighmaster employee at any livestock auction market at any time. The money arising from permit fees of weighmasters shall be occupation tax and not license money.

Sec. 136. Section 54-1704, Reissue Revised Statutes of Nebraska, is amended to read:

54-1704. No person as defined in sections 54-1701 to 54-1711 as a livestock dealer shall:

(1) Engage in the business of buying, selling, or otherwise dealing in livestock in this state without a valid and effective license issued by the Director of Agriculture under the provisions of this section. All applications for a livestock dealer license or renewal of such license shall be made on forms prescribed for that purpose by the State Veterinarian. If the applicant is an individual, the application shall include the applicant's social security number. The department may by rule and regulation prescribe additional the information to be contained in such application. The application shall be filed annually with the department on or before October 1 of each year with the applicable fee of fifty dollars. The license fees collected as provided by sections 54-1701 to 54-1711 shall be deposited in the state treasury, and by the State Treasurer placed in the Livestock Auction Market Fund. All money so collected shall be appropriated to the uses of the Department of Agriculture for the purpose of administering the provisions of sections 54-1701 to 54-1711;

(2)(a) Engage in the business of buying, selling, or otherwise dealing in livestock in this state without filing with the department, in connection with his or her application for a license, a fully executed duplicate of a valid and effective bond: (i) If he or she is registered and bonded under the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. 181 et seq.) he or she shall file a statement in the form prescribed by the department evidencing that he or she is maintaining a valid and effective bond or its equivalent under such act; or (ii) if he or she is not registered and bonded under the provisions of the Packers and Stockyards Act, he or she shall furnish in connection with his or her application for a license a fully executed duplicate of a valid and effective bond in the amount of five thousand dollars or such larger amount as may be specified by regulations promulgated by the department. (b) The bond shall contain the following conditions: (i) That the principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such principal for his or her own account or for the accounts of others and such principal shall safely keep and properly disburse all funds, if any, which come into his or her hands for the purpose of paying for livestock purchased for the accounts of others; (ii) that any person damaged by failure of the principal to comply with the condition clause of the bond may maintain suit to recover on the bond; and (iii) that at least thirty days' notice in writing shall be given to the department by the party terminating the bond; or

(3) Continue in the business of a dealer after his or her license or bond has expired, or has been suspended or revoked.

Sec. 137. Section 54-1904, Reissue Revised Statutes of Nebraska, is amended to read:

54-1904. It shall be unlawful for any person to operate or maintain any establishment unless first licensed by the department. A license may be obtained by application to the director upon forms prescribed by him or her for that purpose. If the applicant is an individual, the application shall include the applicant's social security number. The license shall authorize and restrict the licensee to the operation or operations requested in his or her application and approved by the director.

Application for a livestock establishment or a poultry establishment license shall be accompanied by a fee of fifty dollars for each establishment. A license application for a rendering establishment or for a pet feed establishment shall be accompanied by a fee of three hundred dollars for each establishment. Such fee shall be deposited in the state treasury and

deposited in the Livestock Auction Market Fund.

No license shall be issued until an inspection of the facilities described in the license application is completed showing the proposed facilities to be in conformity with the Nebraska Meat and Poultry Inspection Law and the rules and regulations adopted and promulgated thereunder by the director.

Licenses shall be renewable annually on or before their expiration. No license shall be transferable with respect to licensee or location. The renewal fee shall be the same as the application fee for each license.

Each license shall by order be summarily suspended whenever an inspection reveals that conditions in any establishment constitute a menace to the public health and shall remain suspended until such conditions are corrected, subject to review by the department and courts as is provided for in the Nebraska Meat and Poultry Inspection Law.

In addition, the director may, upon ten days' notice in writing, suspend or revoke any license issued hereunder or refuse to renew the same for violation of any of the provisions of the Nebraska Meat and Poultry Inspection Law or any rule or regulation duly adopted and promulgated by the director. The notice shall specify in writing the charges relied on, and the hearings, disposition, and court review shall be as prescribed by the Nebraska Meat and Poultry Inspection Law.

Sec. 138. Section 54-2002, Reissue Revised Statutes of Nebraska, is amended to read:

54-2002. No person shall conduct or operate a livestock market in this state without a valid and effective license issued by the director. All applications for a license or a renewal of such license shall be made on forms prescribed by the State Veterinarian. If the applicant is an individual, the application shall include the applicant's social security number. The annual license fee shall be one hundred dollars. Applications, together with the license fee, shall be filed annually with the bureau on or before August 1 of each year.

Each license shall be personal property of the holder and the facilities covered thereby and transferable without a hearing.

Sec. 139. Section 60-4,105, Revised Statutes Supplement, 1996, is amended to read:

60-4,105. Any person who feels aggrieved because of any order of the director on account of a refusal to issue any operator's license contemplated under sections 60-4,101 and 60-4,107, or any decision of the director made after consideration of advice from the Health Advisory Board, or suspension of an operator's license under the License Suspension Act may appeal to the district court of the county in which the application for the license was originally made or to the district court of the county in which such person resides as provided in this section.

The director shall reduce the ruling, order, or decision to writing, file a copy in his or her office, and furnish a copy together with a statement of reasons for the ruling to the applicant or licensee, as the case may be, upon request. The ruling, order, or decision of the director in refusing to issue or reinstate such license or in suspending, canceling, or revoking the same shall be as final and binding as the final order or judgment of a court of general jurisdiction.

The applicant, licensee, or appellant shall, within thirty days from the date of the final order complained of, execute a bond for costs to the State of Nebraska in the sum of two hundred dollars with sufficient surety to be approved by the Auditor of Public Accounts. The bond shall be filed in the office of the director. In lieu of the bond, the sum of two hundred dollars in cash, certified check, or money order may be deposited at the office of the director.

It shall be the duty of the director, on payment or tender of the cost of preparing the transcript at the rate of ten cents per hundred words, to prepare a complete transcript of the proceedings relating to the refusal to issue or to reinstate any license or relating to the proceedings concerning the suspension, cancellation, or revocation of such license.

The applicant or licensee shall file a petition in such district court within thirty days from the date of filing of the director's final order in the matter and shall file the transcript before answer day as provided in section 25-821. The district court shall hear the appeal as in equity without a jury and determine anew all questions raised before the director. Either party may appeal from the decision of the district court to the Court of Appeals.

The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

Sec. 140. Section 60-4,129, Reissue Revised Statutes of Nebraska,

is amended to read:

60-4,129. (1) Any individual whose operator's license is revoked under section 60-4,183, 60-4,186, or 60-6,206 or suspended under section 18 of this act shall be eligible to operate any motor vehicle, except a commercial motor vehicle, in this state under an employment driving permit. An employment driving permit issued due to a revocation under section 60-4,183, 60-4,186, or 60-6,206 is valid for the period of revocation. An employment driving permit issued due to a suspension of an operator's license under section 18 of this act is valid for no more than three months and cannot be renewed.

(2) Any person whose operator's license has been suspended or revoked pursuant to any law of this state, except such sections, shall not be eligible to receive an employment driving permit during the period of such suspension or revocation.

(3) An individual who is issued an employment driving permit may operate any motor vehicle, except a commercial motor vehicle; (a) from his or her residence to his or her place of employment and return and (b) during the normal course of employment if the use of a motor vehicle is necessary in the course of such employment. Such permit shall indicate for which purposes the permit may be used. All permits issued pursuant to this section shall indicate that the permit is not valid for the operation of any commercial motor vehicle.

(4) The operation of a motor vehicle by the holder of an employment driving permit, except as provided in this section, shall be unlawful. Any person who violates this section shall be guilty of a Class IV misdemeanor.

(5) The director shall revoke the employment driving permit for an individual upon receipt of an abstract of conviction, other than a conviction which is based upon actions which resulted in the application for such employment driving permit, indicating that the individual committed an offense for which points are assessed pursuant to section 60-4,182. If the permit is revoked in this manner, the individual shall not be eligible to receive an employment driving permit for the remainder of the period of suspension or revocation of his or her operator's license.

Sec. 141. Section 60-4,130, Revised Statutes Supplement, 1996, is amended to read:

60-4,130. (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section and section 60-4,129. The application form shall also include a voter registration portion pursuant to section 32-308 and the following specific question: Do you wish to register to vote as part of this application process? To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to his or her place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth the facts establishing such requirement;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant; and

(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.

(2) Upon Except as otherwise provided in this subsection, upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department or show successful completion of the driver education and training course as provided in section 60-4,183. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession of the permit and to return the permit to the department. The applicant An applicant whose operator's license has been suspended pursuant to section 18 of this act is not required to fulfill such driver improvement or education and training course requirements. All applicants shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.

(4) A fee of forty dollars shall be submitted to the department along with the application for an employment driving permit. All fees collected shall be deposited in the General Fund.

(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation. This subsection does not apply to a holder of an employment driving permit if the reason for his or her license revocation or suspension only involved a suspension under section 18 of this act and not a revocation under any other section.

(6) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit may appeal to the district court of the county in which such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105.

Sec. 142. Section 60-4,146.01, Revised Statutes Supplement, 1996, is amended to read:

60-4,146.01. (1) Any resident of this state who is a seasonal commercial motor vehicle operator for a farm-related or ranch-related service industry may make application for a restricted commercial driver's license. If the applicant is an individual, the application shall include the applicant's social security number. A restricted commercial driver's license shall authorize the holder to operate any Class B Heavy Straight Vehicle commercial motor vehicle or any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle required to be placarded pursuant to section 75-364 when the hazardous material being transported is (a) diesel fuel in quantities of one thousand gallons or less, (b) liquid fertilizers in vehicles or implements of husbandry with total capacities of three thousand gallons or less, or (c) solid fertilizers that are not transported or mixed with any organic substance within one hundred fifty miles of the employer's place of business or the farm or ranch being served.

(2) Any applicant for a restricted commercial driver's license or seasonal permit shall be eighteen years of age or older, shall have possessed a valid operator's license during the twelve-month period immediately preceding application, and shall demonstrate, in a manner to be prescribed by the director, that:

(a) If the applicant has possessed a valid operator's license for two or more years, that in the two-year period immediately preceding application the applicant:

- (i) Has not possessed more than one operator's license at one time;
- (ii) Has not been subject to any order of suspension, revocation, or cancellation of any type;
- (iii) Has no convictions involving any type or classification of motor vehicle of the disqualification offenses enumerated in sections 60-4,168 and 60-4,168.01; and

(iv) Has no convictions for traffic law violations that are accident-connected and no record of at-fault accidents; and

(b) If the applicant has possessed a valid operator's license for more than one but less than two years, the applicant shall demonstrate that he or she meets the requirements prescribed in subdivision (a) of this subsection for the entire period of his or her driving record history.

(3) The commercial motor vehicle operating privilege as conferred by the restricted commercial driver's license shall be valid for four years if annually revalidated by the seasonal permit which shall be valid for no more than one hundred eighty consecutive days in any twelve-month period. To revalidate the restricted commercial driver's license, the applicant shall meet the requirements of subsection (2) of this section and shall designate a time period he or she desires the commercial motor vehicle operating privilege to be valid. The time period designated by the applicant shall appear and be clearly indicated on the seasonal permit. A seasonal permit shall not be issued to any person more than once in any twelve-month period. The holder of a restricted commercial driver's license shall operate commercial motor vehicles in the course or scope of his or her employment within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served.

(4) Any person who violates any provision of this section shall, upon conviction, be guilty of a Class III misdemeanor. In addition to any penalty imposed by the court, the director shall also revoke such person's restricted commercial driver's license and shall disqualify such person from operating any commercial motor vehicle in Nebraska for a period of five years.

(5) The Department of Motor Vehicles shall adopt and promulgate

rules and regulations to carry out the requirements of this section.

(6) For purposes of this section:

(a) Agricultural chemical business shall mean any business that transports agricultural chemicals predominately to or from a farm or ranch;

(b) Farm-related or ranch-related service industry shall mean any custom harvester, retail agricultural outlet or supplier, agricultural chemical business, or livestock feeder which operates commercial motor vehicles for the purpose of transporting agricultural products, livestock, farm machinery and equipment, or farm supplies to or from a farm or ranch;

(c) Retail agricultural outlet or supplier shall mean any retail outlet or supplier that transports either agricultural products, farm machinery, farm supplies, or both, predominately to or from a farm or ranch; and

(d) Seasonal commercial motor vehicle operator shall mean any person who, exclusively on a seasonal basis, operates a commercial motor vehicle for a farm-related or ranch-related service industry.

Sec. 143. Section 60-4,148, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,148. All commercial drivers' licenses shall be issued by the Department of Motor Vehicles as provided in section 60-4,149. Successful applicants shall pay to the county treasurer a fee of forty dollars for an original or renewal commercial driver's license, except that the fee for a commercial driver's license which will be valid for one year or less shall be fourteen dollars, the fee for a commercial driver's license which will be valid for more than one year but less than two years shall be twenty-two dollars, and the fee for a commercial driver's license which will be valid for two years or more but less than three years shall be thirty-two dollars. If the applicant is an individual, the application shall include the applicant's social security number. Any person making application to add or remove a class of commercial motor vehicle, any endorsement, or any restriction to or from a previously issued and outstanding commercial driver's license shall pay a fee of five dollars. The fee for an original or renewal seasonal permit to revalidate the restricted commercial motor vehicle operating privilege to a previously issued and outstanding restricted commercial driver's license shall be five dollars. One dollar and seventy-five cents of the fees for each original, renewal, duplicate, or replacement commercial driver's license or restricted commercial driver's license and twenty-five cents of each of the original and renewal fees for LPC-learner's permits and seasonal permits shall be credited to the general fund of the county and shall be included by the county treasurer in his or her report of fees as provided by law. The balance of the fees provided for by this section shall be remitted by the county treasurer to the State Treasurer for credit to the General Fund.

Sec. 144. Section 60-4,171, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,171. (1) Following any period of revocation ordered by a court, a resident who has had a commercial driver's license revoked pursuant to section 60-4,169 may apply, on a form prescribed by the director, for a Class O or M operator's license. If in the judgment of the director such person is eligible to be issued a Class O or M operator's license, the application shall be presented to the county treasurer of the person's county of residence. The county treasurer shall issue the Class O or M operator's license upon payment of the fee provided for in section 60-4,115.

(2) Any person who has had his or her commercial driver's license revoked pursuant to section 60-4,169 may, at the end of such revocation period, apply to have his or her commercial driver's license reinstated. The applicant shall (a) apply on a form prescribed by the Department of Motor Vehicles which, if the applicant is an individual, shall include the applicant's social security number. (b) take the written knowledge and driving skills examinations prescribed pursuant to section 60-4,155, (c) comply with section 60-4,145 regarding physical requirements, (d) be subject to a check of his or her driving record, (e) pay the fees specified in section 60-4,148 and a ninety-five-dollar reinstatement fee, and (f) surrender any operator's license issued pursuant to subsection (1) of this section. The reinstatement fee shall be remitted to the State Treasurer. The State Treasurer shall credit fifty dollars of each reinstatement fee to the General Fund and forty-five dollars of each reinstatement fee to the Department of Motor Vehicles Cash Fund.

Sec. 145. Section 60-4,176, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,176. (1) No person shall act as an instructor unless such person applies for and obtains from the director a license in the manner and form prescribed by the director. If the applicant is an individual, the



application form shall include the applicant's social security number.

(2) Rules and regulations adopted and promulgated by the director shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, knowledge of the motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the director may prescribe for the protection of the public.

Sec. 146. Section 60-1407, Reissue Revised Statutes of Nebraska, is amended to read:

60-1407. Any person desiring to apply for one or more of the types of licenses described in Chapter 60, article 14, shall submit to the board, in writing, the following required information: (1) The name and address of the applicant, if the applicant is an individual, his or her social security number, and the name under which he or she intends to conduct business. If the applicant is a partnership or limited liability company, it shall set forth the name and address of each partner or member thereof and the name under which the business is to be conducted. If the applicant is a corporation, it shall set forth the name of the corporation and the name and address of each of its principal officers; (2) the place or places, including the city or village and the street and street number, if any, where the business is to be conducted or the salesperson employed; (3) if the application is for a motor vehicle dealer's license, trailer dealer's license, or motorcycle dealer's license the name or names of the new motor vehicle or vehicles, new trailer or trailers, new motorcycle or motorcycles which the applicant has been enfranchised to sell or exchange and the name or names and address or addresses of the manufacturer or distributor who has enfranchised the applicant and a current copy of each existing franchise; (4) if the application is for any of the above-named classes of dealer's licenses, the name and address of the person who is to act as a motor vehicle, trailer, or motorcycle salesperson under such license if issued; and (5) a description of the proposed place or places of business proposed to be operated in the event a license is granted together with (a) a statement whether the applicant owns or leases the proposed established place of business as defined in section 60-1401.02 and, if the proposed established place of business is leased, the applicant shall file a true and correct copy of the lease agreement, and (b) a description of the facilities for the display of motor vehicles, trailers, and motorcycles.

Sec. 147. Section 60-1411.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-1411.01. To pay the expenses of the administration, operation, maintenance, and enforcement of this act, the board shall collect with each application for each class of license fees not exceeding the following amounts: (1) Motor vehicle dealer's license, two hundred dollars; (2) supplemental motor vehicle dealer's license, ten dollars; (3) motor vehicle or motorcycle salesperson's license, ten dollars; (4) motor vehicle, motorcycle, or trailer manufacturer's license, three hundred dollars; (5) distributor's license, three hundred dollars; (6) factory representative's license, ten dollars; (7) distributor representative's license, ten dollars; (8) finance company's license, two hundred dollars; (9) wrecker or salvage dealer's license, one hundred dollars; (10) factory branch license, one hundred dollars; (11) motorcycle dealer's license, two hundred dollars; and (12) motor vehicle auction dealer's license, two hundred dollars; which fees shall be fixed by the board and shall not exceed the amount actually necessary to sustain the administration, operation, maintenance, and enforcement of Chapter 60, article 14. Such licenses, if issued, shall expire on December 31 next following the date of the issuance thereof. Any motor vehicle, motorcycle, or trailer dealer changing its location shall not be required to obtain a new license if the new location is within the same city limits or county provided all requirements of law are complied with and a fee of twenty-five dollars is paid, but any change of ownership of any licensee shall require a new application for a license and a new license. Change of name of licensee without change of ownership shall require the licensee to obtain a new license and pay a fee of five dollars. Applications shall be made each year for a new or renewal license. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 148. Section 60-2130, Reissue Revised Statutes of Nebraska, is amended to read:

60-2130. All permits issued under sections 60-2127 and 60-2129 shall be valid for three years and may be renewed upon application to the director as prescribed by the regulations of the department. If the applicant is an individual, the application for a permit shall include the applicant's social security number. Each application for a new or renewal motorcycle

safety instructor's permit or chief instructor's permit shall be accompanied by a fee of five dollars. The fees collected under this section shall be placed in the state treasury and by the State Treasurer credited to the General Fund. No fee shall be refunded in the event that the permit is rejected, suspended, or revoked.

Sec. 149. Section 66-483, Reissue Revised Statutes of Nebraska, is amended to read:

66-483. Before engaging in business as a supplier, distributor, wholesaler, importer, or exporter, a person shall file an application together with a fee of ten dollars with the department. The application shall be filed upon a form prepared and furnished by the department. If the applicant is an individual, the application shall include the applicant's social security number. The application shall contain such information as the department deems necessary. The department shall remit the fees to the State Treasurer for credit to the Highway Cash Fund.

Sec. 150. Section 66-502, Reissue Revised Statutes of Nebraska, is amended to read:

66-502. The Department of Revenue shall issue a liquid fuel carriers license to the owner and lessee of every car, automobile, truck, trailer, vehicle, or other means of transportation using the highways for the transportation of motor vehicle fuel or diesel fuel into, within, or out of the State of Nebraska. Such licenses shall be issued by the department on receipt of applications from owners and lessees of such vehicles on forms provided by the department. If the applicant is an individual, the application shall include the applicant's social security number. Such licenses may be denied according to the provisions of section 66-729. The applicant for a liquid fuel carriers license shall pay to the Department of Revenue an application fee of ten dollars, and all amounts so received by the department shall be remitted to the State Treasurer for credit to the Highway Cash Fund. The liquid fuel carriers license shall be valid until suspended, revoked for cause, or otherwise canceled and shall not be transferable.

Sec. 151. Section 66-666, Reissue Revised Statutes of Nebraska, is amended to read:

66-666. (1) Before engaging in business as a supplier, distributor, wholesaler, importer, or exporter, the person shall obtain a license to transact such business in the State of Nebraska. An application for a supplier's, distributor's, wholesaler's, importer's, or exporter's license shall be made to the department together with a fee of ten dollars to cover the cost of issuing the license. The application shall be filed on a form prepared and furnished by the department. If the applicant is an individual, the application shall include the applicant's social security number. The application shall contain such information as the department deems necessary. All fees collected shall be remitted to the State Treasurer for credit to the Highway Cash Fund.

(2) After reviewing an application received in proper form, the department may issue to the applicant a supplier's, distributor's, wholesaler's, importer's, or exporter's license. The department may refuse to issue such licenses to any person according to section 66-729. Each supplier's, distributor's, wholesaler's, importer's, or exporter's license issued under the Diesel Fuel Tax Act shall be valid until suspended or revoked for cause or otherwise canceled and shall not be transferable.

Sec. 152. Section 66-6,106, Reissue Revised Statutes of Nebraska, is amended to read:

66-6,106. (1) Before engaging in business as a retailer, a person shall obtain a license to transact such business in the State of Nebraska. An application for a retailer's license shall be made to the department on a form prepared and furnished by the department. The application shall contain such information as the department deems necessary and shall be accompanied by an application fee of ten dollars to cover the cost of issuing the license. If the applicant is an individual, the application shall include the applicant's social security number. All fees collected shall be remitted to the State Treasurer for credit to the Highway Cash Fund.

(2) After reviewing an application received in proper form, the department may issue to the applicant a retailer's license. The department may refuse to issue such license to any person according to the provisions of section 66-729. Each retailer's license shall be valid until suspended or revoked for cause or otherwise canceled and shall not be transferable.

(3) The department, for the first year of a new license or whenever it deems it necessary to insure compliance with the Compressed Fuel Tax Act, may require any retailer subject to the act to place with the department such security as it determines. The amount and duration of the security shall be fixed by the department and shall be approximately two times the estimated

average quarterly tax liability payable by such retailer pursuant to the act, unless such retailer is required to file monthly tax returns pursuant to section 66-6,110, in which case the amount of the security shall be approximately three times the estimated monthly tax liability payable by the retailer. The security shall consist of a surety bond executed by a surety company duly licensed and authorized to do business within this state in the amount specified by the department. The security shall run to the department and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such retailer is liable, whether such liability was incurred prior to or after the security is filed.

Sec. 153. Section 66-1521, Reissue Revised Statutes of Nebraska, is amended to read:

66-1521. (1) A petroleum release remedial action fee is hereby imposed upon the refiner, importer, or supplier who first sells, offers for sale, or uses petroleum within this state, except that the fee shall not be imposed on petroleum that is exported or packaged in individual containers of one hundred ten gallons or less and intended for sale or use in this state. The amount of the fee shall be three-tenths of one cent per gallon on motor vehicle fuels as defined in section 66-482 and one-tenth of one cent per gallon on petroleum other than such motor vehicle fuels plus any additional amount authorized by section 66-1522. The fee shall be paid by all refiners, importers, and suppliers subject to the fee by filing a monthly return on or before the twentieth day of the calendar month following the monthly period to which it relates. The pertinent provisions, specifically including penalty provisions, of the motor fuel laws as defined in section 66-712 shall apply to the administration and collection of the fee. There shall be a refund allowed on any fee paid on petroleum which was taxed and then exported. The fee paid under this subsection shall not be eligible for the credit under section 66-4,124.

(2) No refiner, importer, or supplier shall sell, offer for sale, or use petroleum in this state without having first obtained a petroleum release remedial action license. Application for a license shall be made to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue upon a form prepared and furnished by the division. If the applicant is an individual, the application shall include the applicant's social security number. Failure to obtain a license prior to such sale, offer for sale, or use of petroleum shall be a Class IV misdemeanor. The division may suspend or cancel the license of any refiner, importer, or supplier who fails to pay the fee imposed by subsection (1) of this section in the same manner as licenses are suspended or canceled pursuant to section 66-720.

(3) The division shall adopt and promulgate rules and regulations necessary to carry out this section.

(4) The division shall deduct and withhold from the petroleum release remedial action fee collected pursuant to this section an amount sufficient to reimburse the direct costs of collecting and administering the petroleum release remedial action fee. Such costs shall not exceed twenty-eight thousand dollars for each fiscal year. The twenty-eight thousand dollars shall be prorated, based on the number of months the fee is collected, whenever the fee is collected for only a portion of a year. The amount deducted and withheld for costs shall be deposited in the Petroleum Release Remedial Action Collection Fund which is hereby created. The Petroleum Release Remedial Action Collection Fund shall be appropriated to the Department of Revenue. 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. 154. Section 69-202, Reissue Revised Statutes of Nebraska, is amended to read:

69-202. Every person engaged in the business of pawnbroking shall pay to the city or village treasurer for a permit to carry on business the sum of one hundred dollars per year or fifty dollars for every six months, in metropolitan cities, but in all other cities or villages the sum of fifty dollars per year or the sum of twenty-five dollars for every six months. Such permit shall be obtained by filing an application with, and having such application approved by, the governing body of the city or village or an officer or agency designated by such governing body for such purpose.

The application shall contain the following information:

(1) The name and address of the owner and the manager of the business and, if the applicant is an individual, the applicant's social security number;

(2) If the applicant is a corporation, a copy of the articles of incorporation and the names of its officers and shareholders;

(3) The exact location where the business is to be conducted; and

(4) The exact location where any goods, wares, and merchandise may be stored or kept if other than the business location.

When reviewing applications for a permit required by this section, the governing body or delegated officer or agency shall take into consideration the criminal record, if any, of the applicant and, if the applicant is a corporation, of its officers and shareholders. No permit shall be issued to any applicant who has been convicted of a felony and, if the applicant is a corporation, no permit shall be issued when any officer or shareholder has been convicted of a felony.

Such person shall also give bond to the city or village in which he, she, or it is to do business, in the sum of five thousand dollars with surety to be approved by the mayor or its chief executive officer, conditioned for the faithful performance by the principal, of each and all of the trusts imposed by law or by usage attached to pawnbrokers.

No permit fee shall be exacted under this section in municipalities which impose a permit fee for the pawnbroking business by ordinance.

Sec. 155. Section 69-1204, Reissue Revised Statutes of Nebraska, is amended to read:

69-1204. Any person desiring to obtain a license to engage in the debt management business in this state shall file with the secretary an application in writing, under oath, setting forth his or her business name, his or her social security number if the applicant is an individual, the exact location of his or her office, names and addresses of all officers and directors if an association or a corporation, if a partnership, the partnership name and the names and addresses of all partners, and if a limited liability company, the company name and the names and addresses of all members, and a copy of the certificate of registration of trade name, certificate of partnership, articles of organization, or articles of incorporation. At the time of filing the application the applicant shall pay to the secretary a license fee of two hundred dollars for the main office within each county and one hundred dollars for each additional office. An initial investigation fee of two hundred dollars shall also be paid to the secretary at the time of filing the application. At the time of filing the application the applicant shall furnish a bond to the people of the state in the sum of ten thousand dollars, conditioned upon the faithful accounting of all money collected upon accounts entrusted to such person engaged in debt management, and their employees and agents. The aggregate liability of the surety to all claimants doing business with the office for which the bond is filed shall in no event exceed the amount of such bond. The bond or bonds shall be approved by the secretary and filed in the office of the Secretary of State. No person, firm, limited liability company, or corporation shall engage in the business of debt management until a good and sufficient bond is filed in accordance with the provisions of sections 69-1201 to 69-1217.

Each licensee shall furnish with his or her application a blank copy of the contract he or she intends to use between himself or herself and the debtor and shall notify the secretary of all changes and amendments thereto within thirty days of such changes and amendments.

The license issued under sections 69-1201 to 69-1217 shall expire on December 31 next following its issuance unless sooner surrendered, revoked, or suspended, but may be renewed as provided in such sections.

Sec. 156. Section 71-108, Reissue Revised Statutes of Nebraska, is amended to read:

71-108. The name, date and place of birth, location or post office address, school and date of graduation, date of examination and ratings or grades received, and date of a license, certificate, or registration if one is issued of all applicants for examination in the several professions regulated by the Uniform Licensing Law shall be entered in a book kept in the office of the department to be known as the registry record. A separate registry record shall be kept for each profession, the names of applicants in that profession shall be given consecutive numbers, and all other records relating to that application or the license, certificate, or registration granted pursuant to that application shall be given the same number. A list shall also be kept of those granted licenses, certificates, or registrations in the several professions. Applications for a license, certificate, or registration shall be upon forms prepared by the department, and the completed applications shall be kept as a part of the permanent files of the department. If the applicant is an individual, the application shall include the applicant's social security number. All applications based on licenses, certificates, or registrations granted in other states shall be received upon forms prepared by the department and entered in the registry records as nearly as may be in the same form as are those applying for examinations. In addition, the date of license, certificate, or registration and the length of time of practice in

the other state shall be given and entered. The data in any or all of such records may be maintained in computer files, placed upon microfilm, or stored in a similar form. All such records, in whatever form, shall be available for public inspection, as defined by rules and regulations of the department. Investigational records, reports, and files pertaining to an application shall not be a public record until action is taken to grant or deny the application and may be withheld from disclosure thereafter under section 84-712.05.

Sec. 157. Section 71-1,132.13, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.13. (1) An applicant for a license to practice as a registered nurse shall file with the department a written application for a license and submit satisfactory proof that the applicant (a) is of good moral character, (b) has completed four years of high school study or its equivalent as determined by the department, and (c) has completed the basic professional curriculum in and holds a diploma from an accredited program of professional nursing approved by the board. Graduates of foreign nursing programs shall have passed the Canadian Nurses Association Testing Service or hold a certificate from the Commission on Graduates of Foreign Nursing Schools. Such application shall be made upon a form prescribed and approved by the department, verified by the applicant's oath, and accompanied by an application fee established by rules and regulations of the department. The application shall include the applicant's social security number.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 158. Section 71-1,132.37, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.37. (1) An applicant for a license to practice as a licensed practical nurse shall file with the department a written application for a license which shall include the applicant's social security number. pay the fee as set by the department, and submit satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Has completed four years of high school study or its equivalent as determined by the board; and

(c) Has completed the basic curriculum in and holds a diploma from an approved program of practical nursing.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 159. Section 71-1,139, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,139. Every applicant for a license to practice as an osteopathic physician shall (1) present proof of having completed a four-year course in an accredited high school or its equivalent, (2) present proof of having graduated from an accredited school or college of osteopathic medicine, and (3) pass an examination, as prescribed by the Board of Examiners in Medicine and Surgery, in the science of osteopathy and the practice of the same. The application for a license to practice as an osteopathic physician shall include the applicant's social security number.

The Department of Health and Human Services Regulation and Licensure shall accept, in lieu of the examination provided in subdivision (3) of this section, a certificate of examination issued by the National Board of Osteopathic Examiners of the United States of America. Every applicant for a license upon the basis of such certificate shall be required to pay the fees prescribed for licenses issued to osteopathic physicians without examination, based upon a license by examination held in another state or territory or the District of Columbia.

Sec. 160. Section 71-1,314, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,314. (1) On and after September 1, 1994, no person shall hold himself or herself out as a mental health practitioner unless he or she is licensed as such by the department. A person shall be qualified to be a licensed mental health practitioner if he or she:

(a) Has received a master's degree that consists of course work and training which was primarily therapeutic mental health in content and included a practicum or internship and was from an approved educational program. Practicums or internships completed after September 1, 1995, must include a minimum of three hundred clock hours of direct client contact under the supervision of a qualified physician, a licensed psychologist, or a licensed mental health practitioner;

(b) Has successfully completed three thousand hours of supervised experience in mental health practice of which fifteen hundred hours were in direct client contact in a setting where mental health services were being offered and the remaining fifteen hundred hours included, but were not limited to, review of client records, case conferences, direct observation, and video observation. For purposes of this subdivision, supervised shall mean monitored by a qualified physician, a licensed clinical psychologist, or a certified master social worker, certified professional counselor, or marriage and family therapist qualified for certification on September 1, 1994, for any hours completed before such date or by a qualified physician, a psychologist licensed to engage in the practice of psychology, or a licensed mental health practitioner for any hours completed after such date, including evaluative face-to-face contact for a minimum of one hour per week. Such three thousand hours shall be accumulated after completion of the master's degree and during the five years immediately preceding the application for licensure; and

(c) Has satisfactorily passed an examination approved by the board. An individual who by reason of educational background is eligible for certification as a certified master social worker, a certified professional counselor, or a certified marriage and family therapist shall take and pass a certification examination approved by the board before becoming licensed as a mental health practitioner.

(2) For a period of one year following September 1, 1994:

(a) An individual who is certified on September 1, 1994, as a certified master social worker or certified professional counselor can be licensed as a mental health practitioner by making application to the department and paying the licensure fee;

(b) An individual who has a mental health-related master's degree, as determined by the board, and five years experience providing mental health services may, upon successful completion of the examination for licensure as a mental health practitioner, be licensed as a mental health practitioner; and

(c) An individual who obtains certification as a marriage and family therapist by September 1, 1995, can be licensed as a mental health practitioner by making application to the department and paying the licensure fee.

(3) The application for a mental health practitioner license shall include the applicant's social security number.

Sec. 161. Section 71-1,319, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,319. (1) A person shall be qualified to be a certified master social worker if he or she:

(a) Has a doctorate or a master's degree in social work from an approved educational program;

(b) Has had a minimum of at least three thousand hours of experience, in addition to the master's or doctorate degree, in social work under the supervision as defined in section 71-1,318 of a certified master social worker;

(c) Provides evidence to the board that he or she meets the requirements of subdivisions (1)(a) and (1)(b) of this section; and

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

The department, upon the recommendation of the board, may adopt and promulgate rules and regulations defining the experience required under subdivision (1)(b) of this section.

(2) A person shall be qualified to be a certified social worker if he or she provides evidence to the board that he or she has a baccalaureate or master's degree in social work from an approved educational program and completes an application form which includes the applicant's social security number.

Sec. 162. Section 71-1,325, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,325. A person shall be qualified to be a certified professional counselor if he or she:

(1) Has received a master's degree from an approved educational program;

(2) Has had three thousand hours of experience in professional counseling approved by the board after receipt of the master's degree; and

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

The department, upon the recommendation of the board, may adopt and promulgate rules and regulations prescribing the experience required under subdivision (2) of this section.

Sec. 163. Section 71-1,329, Reissue Revised Statutes of Nebraska, 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) Passes 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 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. 164. Section 71-201, Reissue Revised Statutes of Nebraska, is amended to read:

71-201. No person shall practice or attempt to practice barbering without a license issued pursuant to the Barber Act by the board. It shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a licensed barber.

No person, partnership, limited liability company, or corporation shall operate a barber shop or barber school until a license has been obtained for that purpose from the board. If the applicant is an individual, the application shall include the applicant's social security number. All barber shop licenses shall be issued on or before June 30, shall be effective as of July 1 of each year, shall be good for one year, and shall expire on the succeeding June 30.

Any barber shop which fails to renew its license on or before the expiration date may renew such license by payment of the renewal fee and a late renewal fee established by the board within sixty days after such date or such other time period as the board establishes.

Any barber shop or barber school license may be suspended, revoked, or denied renewal by the board for violation of any provision of the statutes or any rule or regulation of the board pertaining to the operation of barber shops or barber schools or any rule or regulation of the Department of Health and Human Services Regulation and Licensure pertaining to sanitation, after due notice and hearing before the board.

Sec. 165. Section 71-208.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-208.06. The license as a registered barber instructor shall be issued on or before June 30 of each year effective as of July 1 of each year and shall expire on the next succeeding June 30. The license application shall include the applicant's social security number.

Sec. 166. Section 71-209, Reissue Revised Statutes of Nebraska, is amended to read:

71-209. Each applicant for an examination shall (1) make application to the Board of Barber Examiners on blank forms prepared and furnished by the board, such application to contain the applicant's social security number and proof under the applicant's oath of the particular qualifications of the applicant; (2) furnish to the board two portrait-type photographs of the applicant at least passport size but not to exceed three by five inches showing a sufficient portion of the applicant's face with sufficient clarity so as to permit the Board of Barber Examiners to identify the applicant, each of which photographs shall be signed by the applicant, one such photograph to accompany the application and to be attached thereto, and one to be returned to the applicant, to be presented to the board when the applicant appears for examination; and (3) pay to the board the required fee. The applicant shall not be entitled to the return of the required fee by reason of his or her failure to report for the examination.

Sec. 167. Section 71-242, Reissue Revised Statutes of Nebraska, is amended to read:

71-242. The board shall not enter into any reciprocal agreement with any state or country with reference to the practice of barbering as a licensed barber or registered barber instructor for which the board conducts examinations unless every person licensed or registered in such state or country when applying for a license to practice in this state shall show:

(1) That the requirements for licensure or registration were substantially equal to those in force in this state at the time such license was issued; or



(2) Upon due proof that such applicant has continuously practiced the practices or occupation for which application for a license is made at least three years immediately prior to such application.

The applicant shall also pay the fee set pursuant to section 71-219 and provide his or her social security number.

Any applicant who fails to qualify for such exemption because his or her study or training outside this state does not fulfill the requirements of this section shall receive credit for the number of hours of study and training successfully completed in the particular state where he or she is registered or licensed, and he or she shall be qualified for the examination upon completion of such supplementary study and training in an accredited school of barbering in this state as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in an accredited school in this state only. For the purposes of this section, each six months of practice outside of this state of the practices or occupation for which application for a license is made shall be deemed the equivalent of one hundred hours of study and training required in this state in order to qualify for the practice of barbering.

Sec. 168. Section 71-387, Reissue Revised Statutes of Nebraska, is amended to read:

71-387. In order to be licensed by the department by examination, an individual shall meet, and present to the department evidence of meeting, the following requirements:

(1) Has attained the age of seventeen years on or before the beginning date of the examination for which application is being made, as evidenced by a birth certificate, baptismal certificate, or other equivalent document as determined by the department;

(2) Has completed formal education equivalent to a United States high school education, as evidenced by a high school diploma, general educational development certificate, or equivalent document as determined by the department;

(3) Possesses the ability to identify and respond to emergency situations that could occur in the practice of cosmetology or electrology, as evidenced by successful completion of a basic first-aid course;

(4) Makes complete and proper application to the department which includes the individual's social security number, accompanied by the appropriate fee;

(5) Possesses a minimum competency in the knowledge and skills necessary to perform the practices for which licensure is sought, as evidenced by successful completion of an examination in the appropriate practices approved by the board and administered by the department;

(6) Possesses sufficient ability to read the English language to permit the applicant to practice in a safe manner, as evidenced by successful completion of the written examination; and

(7) Has graduated from a school of cosmetology or an apprentice salon in Nebraska or a school of electrology in or outside of Nebraska upon completion of a program of studies appropriate to the practices for which licensure is being sought, as evidenced by a diploma or certificate from the school or apprentice salon to the effect that the applicant has complied with the following:

(a) For licensure as a cosmetologist, the program of studies shall consist of a minimum of two thousand one hundred hours and two thousand credits;

(b) For licensure as an esthetician, the program of studies shall consist of a minimum of six hundred hours and six hundred credits;

(c) For licensure as a cosmetology instructor, the program of studies shall consist of a minimum of nine hundred twenty-five hours beyond the program of studies required for licensure as a cosmetologist earned in a period of not less than six months;

(d) For licensure as a cosmetology instructor, be currently licensed as a cosmetologist in Nebraska, as evidenced by possession of a valid Nebraska cosmetology license;

(e) For licensure as an electrologist, the program of studies shall consist of a minimum of six hundred hours and six hundred credits; and

(f) For licensure as an electrology instructor, be currently licensed as an electrologist in Nebraska and have practiced electrology actively for at least five years immediately before the application.

If any lapse in training of two years or longer occurs, all hours and credits earned shall be forfeited. Hours and credits shall be earned exclusively in either a school of cosmetology, school of electrolysis, or apprentice salon. No hours or credits earned in one type of establishment may be transferred to an establishment of another type. The department shall

grant a license in the appropriate category to any person meeting the requirements specified in this section.

Sec. 169. Section 71-3,137, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,137. Any person seeking a license to operate a school of cosmetology or school of electrology shall submit an application to the department. The application shall be on such forms and shall include such information as the department and the board may require. A completed application shall be received by the department at least thirty days before construction or remodeling of the building proposed for use is scheduled to begin. If no construction or remodeling is planned, the application shall be received at least thirty days before the proposed opening of the school. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 170. Section 71-3,138.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,138.01. Along with the application, the applicant for a license to operate a school of electrology shall submit:

- (1) A detailed floor plan or blueprint of the proposed school building sufficient to show compliance with the relevant rules and regulations;
- (2) A copy of the curriculum to be taught for all courses;
- (3) A copy of the school rules and the student contract;
- (4) A list of the names and credentials of all licensees to be employed by the school;
- (5) Complete student entrance notifications and contracts for all persons proposed as students which shall be submitted fifteen days prior to opening;
- (6) A completed electrology education evaluation scale;
- (7) A schedule of proposed hours of operation and class and course scheduling;
- (8) A detailed list of the equipment to be used by the students in the practical course of their studies;
- (9) Any additional information the department may require; and
- (10) The required fee; and
- (11) If the applicant is an individual, his or her social security number.

A school's license shall be valid only for the location named in the application. When a school desires to change locations, an application shall be submitted to the department on a form furnished by the department with a fee for amending the school's license. The fee for amending the license of the school shall be the same amount as the fee for renewal of a school of electrology license.

Sec. 171. Section 71-3,152, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,152. Any person seeking a license to operate an apprentice salon shall submit an application to the department. The application shall be on such forms and shall include such information as the department and the board may require. If the applicant is an individual, the application shall include the applicant's social security number. A complete application shall be received by the department at least thirty days before construction or remodeling of the building proposed for use is scheduled to begin. If no construction or remodeling is planned, the application shall be received at least thirty days before training of apprentices is scheduled to begin. Along with the application the applicant shall submit:

- (1) A detailed floor plan or blueprint of the proposed apprentice salon sufficient to demonstrate compliance with the Nebraska Cosmetology Act;
- (2) A statement confirming application for a surety bond in the amount of one thousand dollars for each apprentice planned to be enrolled conforming to the requirements of the bond required for schools of cosmetology;
- (3) A list of the names and qualifications of all instructors employed or proposed to be employed;
- (4) Completed student entrance notifications for all apprentices proposed to be enrolled;
- (5) A copy of the rules the salon proposes to use for its apprentices;
- (6) A copy of the apprentice contract;
- (7) A copy of the curriculum proposed to be used;
- (8) A proposed schedule of training for each apprentice; and
- (9) A completed cosmetology education evaluation scale.

Sec. 172. 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. The standard form shall also include the deceased's social security number. 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 and providing child support enforcement information pursuant to section 48 of this act.

(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 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 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.

(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 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. 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 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 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 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 within five business days after the interment takes place.

Sec. 173. Section 71-1722, Reissue Revised Statutes of Nebraska, is amended to read:

71-1722. Requirements for licensure as an advanced registered nurse practitioner shall be the following:

(1) A license as a registered nurse in the State of Nebraska;

(2) A completed application which includes the applicant's social security number;

(3) A licensure fee;

(4) Evidence of having successfully completed an approved advanced registered nurse practitioner program;

(5) Evidence of having successfully completed thirty contact hours of education in pharmacotherapeutics;

(6) Submission of proof of having passed an examination pertaining to the specific advanced registered nurse practitioner role in nursing adopted or approved by the boards with the approval of the department. Such examination may include any recognized national credentialing examination for advanced registered nurse practitioners conducted by an approved certifying body which administers an approved certification program; and

(7) If more than five years have elapsed since the completion of the advanced registered nurse practitioner program or since the applicant has practiced in the specific advanced registered nurse practitioner role, the applicant shall meet the requirements in subdivisions (1) through (6) of this section and provide evidence of continuing clinical competence, as may be determined by the boards, by a means identified in section 71-1724.02.

Sec. 174. Section 71-1730, Reissue Revised Statutes of Nebraska, is amended to read:

71-1730. In order to obtain a certificate from the department as a certified registered nurse anesthetist an applicant shall:

(1) Hold a license as a registered nurse in the State of Nebraska;

(2) Submit a completed application verified by oath which includes the applicant's social security number;

(3) Pay a licensure fee not in excess of fifty dollars;

(4) Submit evidence of successful completion of a course of study in anesthesia in a school of nurse anesthesia accredited or approved by or under the auspices of the department or the Council on Accreditation of Nurse Anesthesia and Educational Programs; and

(5) Take and successfully pass a certifying examination approved by the department after prior approval of such examination by the Board of Nursing and Board of Examiners in Medicine and Surgery. Such examination may include (a) the National Qualifying Examination for Certified Registered Nurse Anesthetists or (b) any other approved recognized national qualifying examination for nurse anesthetists.

If more than five years have elapsed since the applicant completed the nurse anesthetist program or since the applicant has practiced as a nurse anesthetist, he or she shall meet the requirements of subdivisions (1) through (5) of this section and shall provide evidence of continued competence by such means as the Board of Nursing and Board of Examiners in Medicine and Surgery determine, including, but not limited to, a reentry program, supervised practice, or examination.

Sec. 175. Section 71-1755, Reissue Revised Statutes of Nebraska, is

amended to read:

71-1755. (1) An applicant for certification as a nurse midwife shall submit to the boards a written application, which includes the applicant's social security number, and such evidence as the boards shall require showing that the applicant is currently licensed as a registered nurse by the state, has successfully completed an approved certified nurse midwifery education program, and has passed a nationally recognized nurse midwifery examination adopted by the boards.

(2) The department may, with the approval of the boards, grant temporary certification as a nurse midwife upon application (a) to graduates of an approved nurse midwifery program pending results of the first certifying examination following graduation and (b) for one hundred twenty days to nurse midwives currently licensed in another state pending completion of the application for Nebraska certification. A temporary permit issued pursuant to this section may be extended for up to one year with the approval of the boards.

(3) The boards shall adopt an examination to be used pursuant to subsection (1) of this section.

(4) If more than five years have elapsed since the completion of the nurse midwifery program or since the applicant has practiced as a nurse midwife, the applicant shall meet the requirements in subsection (1) of this section and provide evidence of continuing clinical competence, as may be determined by the boards, either by means of a reentry program, references, supervised practice, or examination.

(5) If an applicant for an initial certificate files an application for certification within ninety days prior to the biennial renewal date of the certificate, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the certificate until the biennial renewal date and pay only the fee for the initial certification; or

(b) Request that a certificate which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial certification and an additional fee of one-fourth of the biennial fee.

Sec. 176. Section 71-1778, Reissue Revised Statutes of Nebraska, is amended to read:

71-1778. A certificate to practice as a licensed practical nurse-certified shall be issued by the department to be valid for two years, except that an initial certificate shall expire at the same time as the applicant's license to practice as a licensed practical nurse. The application for the license shall include the applicant's social security number.

Sec. 177. Section 71-1911, Reissue Revised Statutes of Nebraska, is amended to read:

71-1911. (1) A person may furnish a program for three or less children without having a license issued by the department, except that if such person has had a license issued pursuant to subsection (2) of this section and such license has been suspended or revoked pursuant to section 71-1915, such person shall not furnish a program for three or less children until the person is licensed pursuant to this section.

(2) No person shall furnish or offer to furnish a program for four or more children under his or her direct supervision, care, and control at any one time from families other than that of the provider without having in full force and effect a written license issued by the department upon such terms as may be prescribed by the rules and regulations adopted and promulgated by the department. If the applicant is an individual, the application for a license shall include the applicant's social security number. The license may be a provisional license, a probationary license, or an operating license. A city, village, or county which has rules, regulations, or ordinances in effect on July 10, 1984, which apply to programs furnished for two or three children from different families may continue to license providers of such programs. If the license of a person is suspended or revoked pursuant to section 71-1915, such person shall not be licensed by any city, village, or county rules, regulations, or ordinances until the person is licensed pursuant to this section. Any provider not covered by sections 71-1908 to 71-1917 may voluntarily subject himself, herself, or itself to coverage.

(3) A provisional license shall be issued to all applicants for the first year of operation. At the end of one year of operation the department shall either issue an operating license or renew or refuse to renew the provisional license. The provisional license may be renewed once if the department determines that:

(a) A licensee is unable to comply with all licensure requirements and standards, is making a good faith effort to comply, and is capable of

compliance within the next six months;

(b) The effect of the current inability to comply with a rule or regulation does not present an unreasonable risk to the health, safety, or well-being of children or staff; and

(c) The licensee has a written plan of correction that has been approved by the department which is to be completed within the renewal period.

(4) The department may issue a probationary license to a licensee holding an operating license for up to six months. The probationary license may be issued if the department determines that:

(a) A licensee is unable to comply with all licensure requirements and standards or has had a history of noncompliance;

(b) The effect of noncompliance with any rule or regulation does not present an unreasonable risk to the health, safety, or well-being of children or staff; and

(c) The licensee has a written plan of correction that has been approved by the department.

(5) Operating licenses issued under sections 71-1908 to 71-1917 shall expire two years from the date of issuance and shall be subject to renewal under such terms as may be prescribed by the rules and regulations of the department in effect at the time of the renewal.

(6) There shall be a twenty-five-dollar fee charged for the issuance or renewal of each license for providers with a licensing capacity of less than thirty children and a fifty-dollar fee charged for the issuance or renewal of each license for providers with a licensing capacity of thirty or more children. The license fee shall be paid to the department which shall retain the fee, except that when a city, village, or county has adopted any rule, regulation, or ordinance which establishes standards for licensed providers pursuant to subsection (2) of section 71-1914 and conducts all necessary inspections of any licensed provider pursuant to such subsection, the department shall transmit the license fee paid by such provider to the city, village, or county conducting the inspections.

(7) A license may be denied for cause, after notice and hearing, in accordance with such rules and regulations as may be adopted and promulgated by the department. A person who has had a license suspended or revoked pursuant to section 71-1915 shall not be eligible to reapply for a license for a period of two years.

(8) A license shall be denied or revoked if an applicant or licensee has been found guilty of a crime involving the neglect, physical abuse, or sexual abuse of a child or an adult.

Sec. 178. Section 71-1914, Reissue Revised Statutes of Nebraska, is amended to read:

71-1914. (1) The department shall be the state's coordinating agency for regulating programs in this state in order to (a) provide efficient services pursuant to sections 71-1908 to 71-1917, (b) avoid duplication of services, and (c) prevent an unnecessary number of inspections of any program. The department may request cooperation and assistance from local and state agencies and such agencies shall promptly respond. The extent of an agency's cooperation may be included in the report to the Legislature pursuant to section 71-1917.

(2) A city, village, or county may adopt rules, regulations, or ordinances establishing physical well-being and safety standards for providers of programs whether or not such providers are subject to licensure under section 71-1911. If a city, village, or county adopts any rules, regulations, or ordinances establishing physical well-being and safety standards for providers subject to licensure under section 71-1911, (a) such rules, regulations, or ordinances shall be identical to the department's rules and regulations for licensed providers pursuant to sections 71-1908 to 71-1917, except that a city, village, or county which has rules, regulations, or ordinances in effect on July 10, 1984, which apply to programs furnished for two or three children from different families may continue to license providers of such programs, and (b) the city, village, or county and the department shall coordinate the inspection and supervision of licensed providers to avoid duplication of inspections. If the applicant is an individual, the application form for providers of such programs shall include the applicant's social security number. A city, village, or county shall report any violation of its rules, regulations, or ordinances regulating providers subject to licensure to the director who may cause a written charge to be brought pursuant to section 71-1915. The city, village, or county may administer and enforce its rules, regulations, and ordinances establishing physical well-being and safety standards for providers of programs, except that the exclusive remedy for the violation of any rules, regulations, and ordinances regulating providers subject to licensure pursuant to section

71-1911 shall be by the director pursuant to section 71-1915.

Sec. 179. Section 71-3102, Reissue Revised Statutes of Nebraska, is amended to read:

71-3102. Before any person shall directly or indirectly operate a recreation camp he or she shall make an application to the department and receive a valid permit for the operation of such camp. Application for such a permit shall be made at least thirty days prior to the proposed operation of the camp and shall be on forms supplied by the department upon request. The application shall be in such form and contain such information as the department may deem necessary to its determination that the recreation camp will be operated and maintained in such a manner as to protect and preserve the health and safety of the persons using the camp and shall be accompanied by an annual fee of not less than twenty-five nor more than forty-five dollars. If the applicant is an individual, the application shall include the applicant's social security number. Where a person operates or is seeking to operate more than one recreation camp, a separate application shall be made for each camp. Such a permit shall not be transferable or assignable. It shall expire one year from the date of its issuance, or upon a change of operator of the camp, or upon revocation. If the department finds, after investigation, that the camp or the proposed operation thereof conforms, or will conform, to the minimum standards for recreation camps, a permit on a form prescribed by the department shall be issued for operation of the camp. All fees shall be paid into the state treasury and by the State Treasurer credited to the Department of Health and Human Services Regulation and Licensure Cash Fund.

Sec. 180. Section 71-3205, Reissue Revised Statutes of Nebraska, is amended to read:

71-3205. Any person desiring to engage in the private detective business in the State of Nebraska and desiring to be licensed under sections 71-3201 to 71-3213 shall file with the secretary an application for a license. The secretary shall issue to the person if qualified therefor a nontransferable license to engage in the private detective business as a private detective, as a private detective agency, or as a plain clothes investigator in the State of Nebraska as follows:

(1) If the applicant is an individual, the individual, if the applicant is a corporation, each of its individual officers performing the duties of the president, the secretary, and the treasurer of the corporation and the duties of the manager of the business of the corporation in the State of Nebraska, or if the applicant is any person other than an individual or a corporation, each of the individual partners, members, managers, officers, or other individuals having a right to participate in the management of the applicant's business in the State of Nebraska, before the license may be issued, shall be at least twenty-one years of age, a citizen of the United States, and of good moral character, temperate habits, and good reputation for truth, honesty, and integrity and shall have such experience and competence in the detective business or otherwise as the secretary may determine to be reasonably necessary for the individual to perform the duties of his or her position with the applicant in a manner consistent with the public interest and welfare. No license issued under sections 71-3201 to 71-3213 shall be issued or renewed to any person who in any manner engages in the business of debt collection in the State of Nebraska as licensee or employee of a licensee as provided in the Collection Agency Act. If any collection agency, or any person in the employ of such agency with knowledge of the owner or operator of such agency, engages in the business of a private detective or represents to others that he or she is engaged in such business, it shall be cause for suspension or revocation of such agency's license as a collection agency. Prior to the issuance of the license, the secretary shall notify the Nebraska State Patrol, and the patrol shall investigate the character and reputation of the applicant respecting his or her fitness to engage in the business of a private detective. Upon completion of the investigation, the patrol shall notify the secretary of the results of the investigation within ninety days after the date of the application. The license shall be issued by the secretary unless he or she has received within ninety days after the application is made for the license a report of investigation from the patrol stating that the applicant is not of the proper character and reputation to engage in the business of a private detective; and

(2) The applications shall be made on a suitable form prescribed by the secretary, shall include the applicant's social security number if the applicant is an individual, shall be accompanied when filed by an application fee of fifty dollars for a license for a private detective, one hundred dollars for a license for a private detective agency, or twenty-five dollars for a license for a plain clothes investigator, shall be signed and verified

by each individual connected with the applicant to whom the requirements of subdivision (1) of this section apply, and may contain such information, including specimens of fingerprints, as may be required by the secretary.

Sec. 181. Section 71-3515.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-3515.01. (1) A person licensed as a medical radiographer by the department may practice medical radiography on any part of the human anatomy for interpretation by and under the direction of a licensed practitioner, excluding interpretative fluoroscopic procedures. Such person shall:

(a) Prior to issuance of a license as a medical radiographer, (i) complete an educational program in radiography incorporating the course material as provided in the rules and regulations of the department pursuant to subsection (1) of section 71-3515.02 and (ii) complete an application which includes such person's social security number and successfully complete an examination approved by the department on the course material. Presentation of proof of registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of this subdivision (a) of this subsection; and

(b) Prior to renewal of licensure as a medical radiographer, have an average of twelve units of continuing education per year as approved by the department. Presentation of proof of current registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of subdivisions (a) and (b) of this subsection.

(2) A person licensed as a limited radiographer by the department may practice medical radiography on limited regions of the human anatomy, using only routine radiographic procedures, for the interpretation by and under the direction of a licensed practitioner, excluding computed tomography, the use of contrast media, and the use of fluoroscopic or mammographic equipment. Such person shall:

(a) Prior to issuance of a license as a limited radiographer, complete an application which includes the applicant's social security number and successfully complete an examination approved by the department, as described in subdivision (2)(a) of section 71-3515.02 and at least one of the anatomical regions listed in subdivision (2)(b) of such section. The license issued shall be specific to the anatomical region or regions for which the applicant has passed an approved examination, except that an applicant may be licensed in the anatomical region of Abdomen upon successful passage of the examinations described in subdivisions (2)(a) and (2)(b)(iv) of section 71-3515.02 and upon a finding by the department that continued provision of service for a community would be in jeopardy; and

(b) Prior to renewal of licensure as a limited radiographer, have an average of twelve units of continuing education per year as approved by the department.

(3) The requirements of this section do not apply to a student while enrolled and participating in an educational program in medical radiography who, as a part of an educational program, applies X-rays to humans while under the supervision of the licensed practitioners or medical radiographers associated with the educational program. Students who have completed at least twelve months of the training course described in subsection (1) of section 71-3515.02 may apply for licensure as a temporary medical radiographer. Temporary medical radiographer licenses shall expire eighteen months after issuance and shall not be renewed. Persons licensed as temporary medical radiographers shall be permitted to perform the duties of a limited radiographer licensed in all anatomical regions of subdivision (2)(b) of such section and Abdomen.

Sec. 182. Section 71-3703, Reissue Revised Statutes of Nebraska, is amended to read:

71-3703. (1) Any person desiring to be registered as an environmental health specialist may make application to the board on a form prescribed by the board. The application shall include the applicant's social security number. The board shall accept such application when submitted if accompanied by the required fees. A person shall be eligible for registration under sections 71-3702 to 71-3715 if he or she has graduated with a baccalaureate or higher degree from an accredited college or university, has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences, has been employed full time as an environmental health specialist for a period not less than one year, and has passed an examination given and conducted by the board under section 71-3705, except that a person holding a degree higher than a baccalaureate degree who has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences may qualify when employed as an environmental health specialist for a



period of not less than six months.

(2) If an applicant for an initial registration files an application for registration within ninety days prior to the biennial renewal date of such registration, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the registration until the biennial renewal date and pay only the fee for initial registration; or

(b) Request that a registration which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial registration and an additional fee of one-fourth of the biennial fee.

Sec. 183. Section 71-4623, Reissue Revised Statutes of Nebraska, is amended to read:

71-4623. The application for such annual license to conduct, operate, and maintain a mobile home park shall be in writing and upon such form as the department shall provide and shall include the full name and address of the applicant or applicants, the names and addresses of the partner if the applicant is a partnership, the names and addresses of the members if the applicant is a limited liability company, or the names and addresses of the officers if the applicant is a corporation, and the current or most recent occupation of the applicant at the time of the filing of the application, and such other pertinent data as the department may require by regulation. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 184. Section 71-4706, Reissue Revised Statutes of Nebraska, is amended to read:

71-4706. (1) Application for a license under sections 71-4701 to 71-4719 shall be made to the department on forms prescribed by the department and shall be accompanied by the fee specified in section 71-4714.01. If the applicant is an individual, the application shall include the applicant's social security number. The department shall, without discrimination, issue a license to any person who passes an examination provided for in section 71-4707. The license shall be effective until December 31 of the next even-numbered year.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

(3) Whenever the board determines that another state or jurisdiction has requirements equivalent to those in effect pursuant to sections 71-4701 to 71-4719 and that such state or jurisdiction has a program equivalent to the program for determining whether applicants pursuant to such sections are qualified to fit and sell hearing aids, the department may issue licenses to applicants who hold current, unsuspended, and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicants for licensure shall be required to submit to or undergo a qualifying examination if his or her certificate or license is based upon a written examination equivalent to the Nebraska examination.

Sec. 185. Section 71-4708, Reissue Revised Statutes of Nebraska, is amended to read:

71-4708. (1) The department upon recommendation of the board shall issue a temporary license to any person who has met the requirements for licensure pursuant to subsection (1) of section 71-4707. Previous experience or a waiting period shall not be required to obtain a temporary license.

(2) Any person who desires a temporary license shall make application to the department. Such application shall include the applicant's social security number and shall be accompanied by the fee provided for in section 71-4714.01. The temporary license shall be issued for a period of one year. A person holding a valid license shall be responsible for the supervision and training of such applicant and shall maintain adequate personal contact with him or her.

(3) If a person who holds a temporary license under this section has not successfully passed the licensing examination within twelve months of the date of issuance of the temporary license, the temporary license may be renewed or reissued for a twelve-month period upon payment of the fee specified in section 71-4714.01. In no case may a temporary license be renewed or reissued more than once. A renewal or reissuance may take place any time after the expiration of the first twelve-month period.

(4) The department shall have the power to deny, revoke, limit, suspend, or otherwise discipline a temporary license upon the grounds and in accordance with the Uniform Licensing Law.

Sec. 186. Section 71-5109, Reissue Revised Statutes of Nebraska, is amended to read:

71-5109. (1) Application for a certificate of competency from the department to act as a certified ambulance attendant shall be made upon forms prepared by the department and shall contain such information as the department, with the approval of the board, deems necessary. The application shall include the applicant's social security number.

(2) In order to qualify for a certificate of competency to act as an ambulance attendant, a person shall:

(a) Be at least eighteen years of age;

(b) Be of good moral character;

(c) Have a current cardiopulmonary resuscitation certificate which was issued by an organization approved by the division; and

(d)(i) Within two years prior to application, successfully pass a United States Department of Transportation One Hundred and Ten Hour Emergency Medical Technician Course conducted by an institution, agency, corporation, or individual reviewed by the department and approved by the board and receive a grade of at least seventy percent on the final examination prepared by the division;

(ii) If a United States Department of Transportation One Hundred and Ten Hour Emergency Medical Technician Course has been taken more than two years prior to application, successfully pass an emergency medical technician refresher course conducted by an institution, agency, corporation, or individual reviewed by the department and approved by the board and receive a grade of at least seventy percent on the final examination prepared by the division;

(iii) Hold a certificate of successful completion of a United States Department of Transportation One Hundred and Ten Hour Emergency Medical Technician Course conducted in a state other than Nebraska which required passage of a written and practical examination and hold a current certification or license from another state;

(iv) Be licensed in Nebraska as a registered nurse, licensed practical nurse, or physician assistant and have successfully completed the Prehospital Emergency Care Course for Nurses approved by the division and received a grade of at least seventy percent on the final examination prepared by the division;

(v) Hold a current certificate from the National Emergency Medical Technician Registry; or

(vi) Be a currently certified first responder in Nebraska and successfully complete a Seventy-Hour First Responder-Emergency Medical Technician Bridge Course developed by the department and conducted by an institution, agency, corporation, or individual reviewed by the department and approved by the board and receive a grade of at least seventy percent on the final examination approved by the division.

(3) The department shall adopt and promulgate rules and regulations setting minimum standards for courses of ambulance attendant training, including instructor certification, record keeping, examinations and their development and security, and other aspects of administration. The department may approve courses of training developed by associations, educational institutions, or other entities if such courses meet the requirements of this section and the criteria prescribed in the rules and regulations.

(4) Certificates of competency to act as certified ambulance attendants shall be issued by the department for the calendar years applied for and shall expire at midnight on December 31 of the third year after issuance. A certificate holder who requests recertification shall present evidence of (a) completion of thirty hours of continuing education in a combination of the skills, knowledge, or clinical experience which are the subject matters of a United States Department of Transportation One Hundred and Ten Hour Emergency Medical Technician Course approved by the division, (b) maintenance of current cardiopulmonary resuscitation certification issued by an organization approved by the division, and (c) certification by a local training officer, rescue captain, fire chief, or ambulance chief. The department shall notify by letter each certificate holder and the ambulance service of record of such certificate holder at least ninety days prior to the expiration of the certificate of competency to act as an ambulance attendant.

(5) The department shall, within thirty days after receipt of an application, make such investigation as is deemed necessary of the applicant for a certificate of competency as a certified ambulance attendant and, if deemed competent, shall issue a certificate of competency therefor, valid

until midnight of December 31 of the third year after issuance.

(6) If a certificate of competency has been expired for less than two years, it may be renewed by presenting evidence of the completion during the preceding three years of thirty hours of continuing education in a combination of the skills, knowledge, or clinical experience which are the subject matters of an emergency medical technician course. If a certificate of competency has been expired for more than two years, it may be renewed by presenting evidence of the completion of an emergency medical technician refresher course conducted by a training agency approved by the division and the receipt of a grade of at least seventy percent on the final examination prepared by the division.

(7) The department shall establish criteria for approval of organizations issuing cardiopulmonary resuscitation certification which shall include criteria for instructors, establishment of certification periods and minimum curricula, and other aspects of training and certification.

Sec. 187. Section 71-5133, Reissue Revised Statutes of Nebraska, is amended to read:

71-5133. Subject to section 71-5134, the department shall approve as an emergency medical technician-A/D instructor any person making application on a form prescribed by the department who:

(1) Is licensed to practice medicine and surgery pursuant to the Uniform Licensing Law; or

(2)(a) Has a high school diploma or a GED certificate;

(b) Is at least twenty-one years of age; and

(c) Has completed an approved emergency medical technician-A/D course and is an approved emergency medical technician instructor or has completed an approved emergency medical technician-A/D course and is an advanced cardiac life-support instructor.

The application form shall include the applicant's social security number.

Sec. 188. Section 71-5147, Reissue Revised Statutes of Nebraska, is amended to read:

71-5147. (1) The department shall approve as an emergency medical technician-AM instructor any person who:

(a) Is licensed to practice medicine and surgery pursuant to the Uniform Licensing Law; or

(b)(i) Has a high school diploma or a general educational development certificate;

(ii) Is at least twenty-one years of age; and

(iii) Has completed an approved emergency medical technician-AM course and is an approved emergency medical technician instructor or has completed an approved emergency medical technician-AM course and is an advanced cardiac life-support instructor.

(2) An applicant for approval as an emergency medical technician-AM instructor shall file an application upon a form prescribed by the department and shall present proof satisfactory to the department that the proposed course meets the requirements of section 71-5146 and the rules and regulations adopted and promulgated under such section. The application form shall include the applicant's social security number.

(3) The department may conduct such inspections or investigations of applicants and approved training courses as necessary to ensure compliance with this section and section 71-5146 and the rules and regulations adopted and promulgated under such sections.

Sec. 189. Section 71-5157, Reissue Revised Statutes of Nebraska, is amended to read:

71-5157. (1) The department shall approve as an emergency medical technician-IV instructor any person who:

(a) Is licensed to practice medicine and surgery pursuant to the Uniform Licensing Law; or

(b)(i) Has a high school diploma or a general educational development certificate;

(ii) Is at least twenty-one years of age; and

(iii) Has completed an approved emergency medical technician-IV course and is an approved emergency medical technician instructor or has completed an approved emergency medical technician-IV course and is an advanced cardiac life-support instructor.

(2) An applicant for approval as an emergency medical technician-IV instructor shall file an application upon a form prescribed by the department which shall include the applicant's social security number and shall present proof satisfactory to the department that the proposed course meets the requirements of section 71-5156 and the rules and regulations adopted and promulgated under such section.

(3) The department may conduct such inspections or investigations of applicants and of approved training courses as necessary to ensure compliance with this section and section 71-5156 and the rules and regulations adopted and promulgated under such sections.

Sec. 190. Section 71-5308, Reissue Revised Statutes of Nebraska, is amended to read:

71-5308. (1) Application for a certificate of competency to act as a certified operator of a public water supply system shall be made upon forms prepared by the director and shall contain such information as the director, by rule and regulation, shall deem necessary. If the applicant is an individual, the application shall include the applicant's social security number.

(2) Certificates of competency to act as certified operators of public water supply systems shall be issued by the department for the calendar years applied for and shall expire at midnight on December 31 of the third year. Certificates of competency may be renewed triennially upon application. The department shall notify each certificate holder at least ninety days before the expiration of the certificate by a letter addressed to him or her at his or her last place of residence as noted upon its records.

(3) The department shall, within thirty days after receipt of an application, make an investigation and, if found in compliance with regulations adopted pursuant to section 71-5309, shall issue a certificate of competency, valid until midnight of December 31 of the third year.

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 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.

(3) The applications for certificates issued under this section shall include the applicant's social security number.

Sec. 192. Section 71-5903, Reissue Revised Statutes of Nebraska, is amended to read:

71-5903. Applicants for license shall file applications under oath with the Department of Health and Human Services Regulation and Licensure upon forms prescribed and shall pay a license fee of twenty-five dollars as a base fee and in addition thereto, a fee of one dollar for each bed available for guests thereof, except that the total fee for beds available shall not exceed

one hundred dollars. Such fee shall be remitted to the State Treasurer for credit to the General Fund, or if the license is denied, that part of the fees paid for beds available shall be returned to the applicant. Applications shall be signed (1) by the owner, if an individual or partnership, (2) by two of its members, if a limited liability company, (3) by two of its officers, if a corporation, or (4) by the head of the governmental department having jurisdiction over it, if a governmental unit. Applications shall set forth the full name and address of the boarding home for which license is sought, and of the owner in case of different address, the names of the persons in control thereof, and such additional information as the Department of Health and Human Services Regulation and Licensure may require, including affirmative evidence of ability to comply with such reasonable standards, rules, and regulations as may be lawfully prescribed hereunder. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 193. Section 71-6054, Reissue Revised Statutes of Nebraska, is amended to read:

71-6054. (1)(a) The board shall issue a license to an applicant who submits (i) satisfactory evidence of completion of an associate degree or its equivalent in long-term care administration, allied health, or human services, including completion of one two-credit-hour course in each of the following areas: General administration; social gerontology; health problems of the aged; patient services and care; health and social service delivery systems; and a seminar on contemporary developments in aging, including the Older Americans Act, as now or hereafter amended, (ii) satisfactory evidence of completion of an administrator-in-training program under a certified preceptor, ~~and~~ (iii) evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written examination and a state examination that covers applicable state statutes and rules and regulations adopted and promulgated by the department as approved by the board, ~~and (iv) his or her social security number~~, except that two years of successful experience as an administrator of a domiciliary or residential care facility of at least one hundred residents, immediately preceding application for licensure, may be considered equivalent to the requirements prescribed in subdivision (ii) of this subdivision. The board shall evaluate the experience of an applicant requesting the substitution of the requirements listed in subdivision (ii) of this subdivision with two years of experience and shall obtain the affidavit of at least two licensed nursing home administrators in Nebraska testifying that the applicant is of good moral character and in good standing as an administrator of a domiciliary or residential care facility. In no case shall the board accept such substitution if the domiciliary or residential care facility while under the direction and administration of the applicant had its license suspended, denied, or revoked. The board shall license administrators in accordance with sections 71-6053 to 71-6068 and standards, rules, and regulations adopted and promulgated by the board pursuant to such sections. The license shall not be transferable or assignable, and each administrator shall be full time and responsible for the operation of only one licensed facility.

(b) Notwithstanding the provisions of sections 71-6053 to 71-6068, the board shall issue a license as a nursing home administrator to an applicant who will function as the administrator of a facility caring primarily for persons with head injuries and associated disorders who submits satisfactory evidence that he or she (i) has at least two years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity, (ii) is (A) a psychologist with at least a master's degree in psychology from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (B) a physician licensed under the Uniform Licensing Law to practice medicine and surgery or psychiatry and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (C) an educator with at least a master's degree in education from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, or (D) a certified social worker, a certified master social worker, or a licensed mental health practitioner certified or licensed under the Uniform Licensing Law and has at least three years of social work or mental health practice experience and specialized training or one or more years of experience working with persons who have experienced traumatic head injury or are severely physically disabled, and (iii) is of good moral character. The applicant shall also provide his or her social security number.

A license issued pursuant to this subdivision shall be issued without examination and without the requirement of completion of an administrator-in-training program. Such license may be renewed without the completion of any continuing education requirements.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

(3) Licenses may be denied, suspended, limited, refused renewal, or revoked by the department for due cause which shall include: (a) Fraud in procuring a license; (b) immoral, unprofessional, or dishonorable conduct; (c) habitual intoxication or addiction to the use of drugs; (d) distribution of intoxicating liquors or drugs for other than lawful purposes; (e) conviction of a felony; (f) physical or mental incapacity to perform professional duties; (g) violation of any provision of sections 71-6053 to 71-6068 or standards, rules, and regulations adopted and promulgated thereunder or of any law or standards, rules, and regulations adopted and promulgated by the department relating to the proper administration and management of a home for the aged or infirm or nursing home; (h) commission of any of the acts or offenses set forth in sections 71-147 and 71-148; and (i) failure to pay the required fees. Except in cases of failure to pay the required fees, no license shall be denied, suspended, limited, refused renewal, or revoked except after due notice and opportunity for a hearing. Disciplinary actions and proceedings shall be conducted as specified in the Uniform Licensing Law. Any denial, suspension, limitation, refusal of renewal, or revocation of such license may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. A person whose license has been revoked, suspended, or limited may petition the board for reinstatement in the manner provided by sections 71-161.04 to 71-161.06.

Sec. 194. Section 71-6106, Reissue Revised Statutes of Nebraska, is amended to read:

71-6106. (1) An applicant applying for a license as an occupational therapist shall file a written application, which shall include the applicant's social security number, in the manner and on forms provided by the department, showing to the satisfaction of the department that he or she:

(a) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the department and accredited by a nationally recognized medical association or nationally recognized occupational therapy association;

(b) Has successfully completed a period of supervised fieldwork experience at an educational institution approved by the department and where the applicant's academic work was completed or which is part of a training program approved by such educational institution. A minimum of six months of supervised fieldwork experience shall be required for an occupational therapist; and

(c) Has passed an examination as provided in section 71-6108.

Residency in this state shall not be a requirement of licensure. A corporation, partnership, limited liability company, or association shall not be licensed as an occupational therapist pursuant to the Occupational Therapy Practice Act.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 195. Section 71-6310, Reissue Revised Statutes of Nebraska, is amended to read:

71-6310. (1) An individual person shall not be eligible to work on an asbestos project unless the person holds a certificate issued by the department.

(2) The department shall issue the following classes of certificates: Worker; supervisor; inspector; management planner; project monitor; and project designer. To qualify for a certificate of a particular

class, a person shall have (a) successfully completed a training course approved or administered by the department, (b) been examined by a physician within the preceding year and declared by the physician to be physically capable of working while wearing a respirator, and (c) passed an examination approved or administered by the department with at least the minimum score prescribed by the department.

(3) A certificate or renewal certificate shall be valid for one year from the date of issuance. To qualify for a renewal certificate, the applicant shall meet the requirements of section 71-6310.02.

(4) An application for a certificate, a renewal certificate, or approval shall be submitted to the department on a form prescribed by the department, shall include the applicant's social security number, and shall be accompanied by the prescribed fee.

(5) As an alternative to the qualifications in subdivision (2)(a) of this section, a person shall have completed a fully accredited United States Environmental Protection Agency Asbestos Hazard Emergency Response Act of 1976 training program or the person shall be currently accredited by a United States Environmental Protection Agency fully accredited state asbestos model accreditation plan adopted pursuant to 40 C.F.R. 763. In addition to the alternative qualifications, the person shall successfully complete a four-hour course approved by the department on Nebraska law, rules, and regulations and shall pass an examination thereon which shall be approved and may be administered by the department.

(6) The department may issue a limited certificate to a project designer or management planner who does not intend to enter any management plan, project design, or asbestos project work site. An applicant for a limited certificate under this subsection shall not be required to comply with the requirements of subdivision (2)(b) of this section. A holder of a limited certificate shall not enter any management plan, project design, or asbestos project work site. The limitation shall be endorsed upon the certificate. Violation of the limitation shall be grounds for disciplinary action against the certificate pursuant to section 71-6314.

(7) The department shall approve instructors of training courses. To qualify for approval an individual shall have (a) graduated from high school or obtained a general educational development certificate or equivalent document as determined by the department, (b) successfully completed an approved four-hour course on Nebraska law, rules, and regulations, and (c) at least one year of actual work experience in the asbestos industry.

Sec. 196. Section 71-6326, Reissue Revised Statutes of Nebraska, is amended to read:

71-6326. (1) An individual person shall not be eligible to work on a lead abatement project unless the person holds a certificate issued by the department. Each application for a certificate shall include the applicant's social security number.

(2) The department shall issue the following classes of certificates: Worker, supervisor, inspector, and project designer. To qualify for a certificate of a particular class, a person shall have (a) successfully completed a training course approved or administered by the department, (b) been examined by a physician within the preceding year and declared by the physician to be physically capable of working while wearing a respirator, and (c) passed an examination approved or administered by the department with at least the minimum score prescribed by the department.

(3) A certificate or renewal certificate shall be valid for one year from the date of issuance. To qualify for a renewal certificate, the applicant shall meet the requirements of section 71-6327.

(4) Applications for certificates and renewal certificates shall be submitted to the department on forms prescribed by the department and shall be accompanied by the prescribed fee.

(5) The department may issue a limited certificate to a project designer who does not intend to enter any project design or lead abatement project work site. An applicant for a limited certificate under this subsection shall not be required to comply with the requirements of subdivision (2)(b) of this section. A holder of a limited certificate shall not enter any project design or lead abatement project work site. Such limitation shall be endorsed upon the certificate. Violation of such limitation shall be grounds for disciplinary action against the certificate pursuant to section 71-6331.

Sec. 197. Section 71-6816, Reissue Revised Statutes of Nebraska, is amended to read:

71-6816. (1) Except as provided in section 71-6817, no laboratory shall operate in this state unless the department has issued a laboratory certificate to the laboratory. The laboratory director of a laboratory in

existence on July 1, 1991, shall submit an application for a laboratory certificate within forty-five days of such date. After such date, every laboratory director shall apply for a certificate within forty-five days before accepting specimens for testing.

(2) Applications for certificates or renewal thereof shall be made on a form provided by the department. The forms shall include the following information:

- (a) The name of the laboratory owner;
- (b) The name of the laboratory director;
- (c) The location of the laboratory;
- (d) The names and evidence of qualifications of clinical laboratory practitioners employed at the laboratory;
- (e) A list of all laboratory tests performed in the laboratory and, in the case of a renewal application, any changes in the list of laboratory tests performed;

(f) Proficiency testing services subscribed to by the laboratory;

(g) If the applicant is an individual, his or her social security number; and

(h) ~~(g)~~ Such other information as the department deems necessary to evaluate the scope of testing by the laboratory.

(3) The application shall be accompanied by the biennial certification fee as provided in section 71-6831. If the applicant withdraws the application or the department rejects the application, the department shall return the certification fee except for an administrative fee of twenty-five dollars.

(4) If an applicant for an initial certificate files an application for certification within ninety days prior to the biennial renewal date of such a certificate, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the certificate until the biennial renewal date and pay only the fee for initial certification; or

(b) Request that a certificate which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial certification and an additional fee of one-fourth of the biennial fee.

(5) The department shall review each application and approve or deny such application within forty-five days after the application is filed. A laboratory in existence on July 1, 1991, may continue to operate pending a decision by the department to approve or deny its application.

(6) Certificates shall be renewed every two years and shall expire on May 1 of each even-numbered year beginning in 1992.

(7) The department shall publish annually a list of laboratories which have been issued certificates.

Sec. 198. Section 71-7417, Reissue Revised Statutes of Nebraska, is amended to read:

71-7417. (1) No person or entity shall act as a wholesale drug distributor without first obtaining a wholesale drug distributor license from the department. If the applicant is an individual, the application shall include the applicant's social security number. The department shall issue a license upon the recommendation of the board that the applicant meets the requirements for licensure stated in the act and upon payment of a fee of not less than two hundred dollars and not more than six hundred dollars.

(2) A separate wholesale drug distributor license shall be required for each facility located within this state and directly or indirectly owned or operated by the same business entity or parent entity.

(3) An agent or employee of a licensed wholesale drug distributor need not be licensed under the Wholesale Drug Distributor Licensing Act and may lawfully possess drug samples when such agent or employee is acting in the usual course of his or her business or employment.

(4) The issuance of a license pursuant to the act shall not change or affect tax liability to the State of Nebraska of any wholesale drug distributor.

Sec. 199. Section 71-7418, Reissue Revised Statutes of Nebraska, is amended to read:

71-7418. (1) The department upon the recommendation of the board may grant a temporary wholesale drug distributor license to an applicant for a wholesale drug distributor license. If the applicant is an individual, the application for a temporary license shall include the applicant's social security number. The temporary license shall remain valid for ninety days or until the department upon the recommendation of the board finds that the applicant meets or fails to meet the requirements for a wholesale drug distributor license, whichever occurs first, except that a temporary license may be renewed for a period of ninety days consecutive to expiration of the



initial ninety-day period. The department shall adopt and promulgate rules and regulations prescribing renewal procedures.

(2) The department on the recommendation of the board shall issue a temporary wholesale drug distributor license to any wholesale drug distributor who can show proof that such distributor was distributing drugs in Nebraska prior to April 18, 1992. Such temporary license shall be valid for ninety days after April 18, 1992, and may be renewed for an additional ninety days consecutive to expiration of the initial ninety-day period. The fee for such temporary license shall be not less than fifty dollars and not more than one hundred dollars.

Sec. 200. Section 72-303, Reissue Revised Statutes of Nebraska, is amended to read:

72-303. Any qualified person or association desiring a prospector's right shall make application, giving the designation of the land by legal description, to the Board of Educational Lands and Funds, with the proper fees, and the board shall issue a permit therefor. If the applicant is an individual, the application shall include the applicant's social security number. The board may exercise discretionary power, and be guided by best public policy in granting leases, and may adopt rules, regulations, or resolutions necessary to expedite production, and to best preserve the interests and integrity of the state, and to prevent control by monopolies and alien enemies. No person shall be permitted to enter for such mineral purposes more than one section of land, and no development company or association shall be permitted to acquire in the aggregate more than ten thousand acres of state land by assignment or otherwise. Leases shall be for a term of not to exceed three years, subject to renewal as provided in section 72-307.

Sec. 201. Section 75-903, Reissue Revised Statutes of Nebraska, is amended to read:

75-903. All grain dealers doing business in this state shall be licensed by the commission. If the applicant is an individual, the application shall include the applicant's social security number. To procure and maintain a license, each grain dealer shall:

(1) Pay an annual fee of thirty dollars which shall be due on or before the date established by the commission for each license and a registration fee not to exceed twenty dollars per year for each vehicle used by such licensee to transport grain. Such fees shall be paid to the State Treasurer and credited to the state General Fund;

(2) Equip each vehicle used by the licensee for grain transportation with a commercial license plate registered with the Department of Motor Vehicles, except that a licensee who resides in another state shall license such vehicles according to the laws of his or her state of residence;

(3) Affix a grain dealer plate issued by the commission to each vehicle used by the licensee;

(4) File security which may be a bond issued by a corporate surety company and payable to the commission, an irrevocable letter of credit, or a certificate of deposit, subject to the approval of the commission, for the benefit of any producer or owner within this state who files a valid claim arising from a sale to or purchase from a grain dealer. The security shall be in the amount of thirty-five thousand dollars or seven percent of grain purchases by the grain dealer in the preceding license year as reported on a form prescribed by the commission, whichever is greater, not to exceed one hundred fifty thousand dollars. Such security shall be furnished on the condition that the licensee will pay for any grain purchased upon demand, not later than thirty days after taking possession of the grain purchased. The liability of the surety shall cover purchases and sales made or arranged by the grain dealer during the time the bond is in force. A grain dealer's bond filed with the commission shall be in continuous force and effect until canceled by the surety. The liability of the surety on any bond required by this section shall not accumulate for each successive license period during which the bond is in force; and

(5) File, as the commission may by rule or regulation require, a financial statement of the licensee's operations as a grain dealer.

Sec. 202. Section 76-542, Reissue Revised Statutes of Nebraska, is amended to read:

76-542. Any person desiring to become a registered abstractor shall file an application for registration with the board. Such applicant shall have reached the age of majority, shall not have been convicted of a felony, and shall have at least one year of verified land title-related experience satisfactory to the board. Each applicant for registration shall take the written examination prescribed by section 76-543.

Such application shall be in a form prepared by the board and shall

contain the applicant's social security number and such information as may be necessary to assist the board in determining the qualification of the applicant for registration. Each such application shall be accompanied by (1) an application fee of not less than twenty-five dollars or more than one hundred dollars and (2) an examination fee of not less than twenty-five dollars or more than one hundred dollars. The board shall establish such fees based on the administrative costs of the board.

Upon receipt of such application the board shall notify the applicant by mail whether the application has been accepted. If the application has not been accepted, the examination fee shall be returned to the applicant. If the application has been accepted, the applicant shall be notified of the time and place of the next scheduled examination.

The board shall adopt and promulgate rules and regulations necessary to establish the experience standards and administer the examination required for registered abstracters.

Sec. 203. Section 76-546, Reissue Revised Statutes of Nebraska, is amended to read:

76-546. The board may, upon application to it by (1) any individual succeeding to the ownership of any abstract business by any means other than by purchase or (2) any individual who, by reason of the incapacity of any registered abstractor owner of any abstract business, is required to assume the operation of such business, grant to such individual, without examination, a temporary certificate of registration. The application shall include the applicant's social security number. Such temporary certificate shall be issued only after the applicant provides proof of land title-related experience sufficient to meet the standards established by the board. The fee for such temporary certificate of registration shall be not less than twenty-five or more than one hundred dollars. The board shall establish such fee based on the administrative costs of the board. Such certificate shall expire six months after its date or upon the expiration of sixty days after the next regularly scheduled examination which could be taken by the applicant under the rules and regulations of the board, whichever period is the longer. The board shall notify such applicant by mail of the time and place of such examination.

Sec. 204. Section 76-2229.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-2229.01. (1) To register as a real estate appraiser, an applicant shall:

- (a) ~~(1)~~ Be at least nineteen years of age;
- (b) ~~(2)~~ Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;
- (c) ~~(3)~~ Have successfully completed not less than seventy-five class hours in board-approved courses of study which relate to appraisal and which include a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length;

(d) ~~(4)~~ Pass an examination administered by the board which demonstrates that the applicant has:

- (i) ~~(a)~~ Knowledge of the English language, including terms commonly used in or related to appraisal and the writing of appraisal reports;
- (ii) ~~(b)~~ Knowledge of depreciation theories, cost estimating, methods of capitalization, market data analysis, and appraisal mathematics;
- (iii) ~~(c)~~ An understanding of the principles of land economics, appraisal processes, and problems encountered in the gathering, interpreting, and processing of data involved in the valuation of real property;
- (iv) ~~(d)~~ Knowledge of the appraisal of various types of and interests in real property for various functions and purposes;
- (v) ~~(e)~~ An understanding of basic real estate law; and
- (vi) ~~(f)~~ An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and
- (g)(i) ~~(5)(a)~~ Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and ~~(b)~~ (ii) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

(2) The application for registration shall include the applicant's social security number.

Sec. 205. Section 76-2230, Reissue Revised Statutes of Nebraska, is amended to read:

76-2230. (1) To qualify for a license as a real estate appraiser,

an applicant shall:

- (a) ~~(1)~~ Be at least nineteen years of age;
- (b) ~~(2)~~ Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;
- (c) ~~(3)~~ Have successfully completed not less than seventy-five class hours, which may include the class hours set forth in section 76-2229.01, in board-approved courses of study which relate to appraisal and which include a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length and shall include an examination pertinent to the material presented;
- (d) ~~(4)~~ Have no less than two years of experience in any combination of the following: Fee and staff appraisal; ad valorem tax appraisal; review appraisal; appraisal analysis; highest-and-best-use analysis; or feasibility analysis or study. The required experience shall not be limited to the listed items but shall be acceptable to the board and subject to review and determination as to conform with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least two thousand hours and shall have occurred over at least a twenty-four-month period. If requested, evidence acceptable to the board concerning the experience shall be presented by the applicant in the form of written reports or file memoranda;
- (e) ~~(5)~~ Pass an examination administered by the board which demonstrates that the applicant has:
  - (i) ~~(a)~~ Knowledge of the English language, including terms commonly used in or related to appraisal and the writing of appraisal reports;
  - (ii) ~~(b)~~ Knowledge of depreciation theories, cost estimating, methods of capitalization, market data analysis, and appraisal mathematics;
  - (iii) ~~(c)~~ An understanding of the principles of land economics, appraisal processes, and problems encountered in the gathering, interpreting, and processing of data involved in the valuation of real property;
  - (iv) ~~(d)~~ Knowledge of the appraisal of various types of and interests in real property for various functions and purposes;
  - (v) ~~(e)~~ An understanding of basic real estate law; and
  - (vi) ~~(f)~~ An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and
- (f)(i) ~~(6)(a)~~ Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and ~~(b)~~ (ii) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

(2) The application for the license shall include the applicant's social security number.

Sec. 206. Section 76-2231.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-2231.01. (1) To qualify for a residential certificate as a certified residential real estate appraiser, an applicant shall:

- (a) ~~(1)~~ Be at least nineteen years of age;
- (b) ~~(2)~~ Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;
- (c) ~~(3)~~ Have successfully completed not less than one hundred twenty class hours, which may include the class hours set forth in sections 76-2229.01 and 76-2230, in board-approved courses of study which relate to appraisal and which include a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length and shall include an examination pertinent to the material presented;
- (d) ~~(4)~~ Have no less than two years of experience in any combination of the following: Fee and staff appraisal; ad valorem tax appraisal; review appraisal; appraisal analysis; highest-and-best-use analysis; or feasibility analysis or study. The required experience shall not be limited to the listed items but shall be acceptable to the board and subject to review and determination as to conformity with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least two thousand hours and shall have occurred over no less than a twenty-four-month period. If requested, evidence acceptable to the board concerning the experience shall be presented by the applicant in the form of written reports or file memoranda. Of the two thousand hours, one thousand hours shall be in

residential appraisal work. For purposes of determining residential appraisal work, residential appraisal work shall be the appraisal of property having one to four residential units;

(e) ~~(5)~~ Pass an examination administered by the board which demonstrates that the applicant has:

(i) ~~(a)~~ Knowledge of technical terms commonly used in or related to appraisal, appraisal report writing, and economic concepts applicable to real estate;

(ii) ~~(b)~~ An understanding of the basic principles of land economics, appraisal processes, and problems encountered in gathering, interpreting, and processing of data involved in the valuation of real property;

(iii) ~~(c)~~ An understanding of the standards for the development and communication of appraisals as provided in the Real Estate Appraiser Act;

(iv) ~~(d)~~ An understanding of the standards of professional appraisal practice and ethical rules that a real estate appraiser is required to observe;

(v) ~~(e)~~ Knowledge of depreciation theories, cost estimating, methods of capitalization, and appraisal mathematics;

(vi) ~~(f)~~ Knowledge of such other principles and procedures as may be appropriate for certification;

(vii) ~~(g)~~ An understanding of real estate law; and

(viii) ~~(h)~~ An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and

(f)(i) ~~(6)(a)~~ Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and ~~(b)~~ (ii) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

(2) The application for a residential certificate shall include the applicant's social security number.

Sec. 207. Section 76-2232, Reissue Revised Statutes of Nebraska, is amended to read:

76-2232. (1) To qualify for a general certificate as a certified general real estate appraiser, an applicant shall:

(a) ~~(1)~~ Be at least nineteen years of age;

(b) ~~(2)~~ Hold a high school diploma or a certificate of high school equivalency or have education acceptable to the board;

(c) ~~(3)~~ Have successfully completed not less than one hundred sixty-five class hours, which may include the class hours set forth in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved courses of study which relate to appraisal and which include a fifteen-hour course in the Uniform Standards of Professional Appraisal Practice. The courses of study shall be conducted by an accredited university, college, community college, or junior college, an appraisal society, institute, or association, or such other educational provider as may be approved by the board and shall be, at a minimum, fifteen class hours in length and shall include an examination pertinent to the material presented;

(d) ~~(4)~~ Have two years of experience in any combination of the following: Fee and staff appraisal; ad valorem tax appraisal; review appraisal; appraisal analysis; highest-and-best-use analysis; or feasibility analysis or study. The required experience shall not be limited to the listed items but shall be acceptable to the board and conform with the Uniform Standards of Professional Appraisal Practice. The experience shall include a total of at least two thousand hours and shall have occurred over at least a twenty-four-month period. If requested, evidence acceptable to the board concerning the experience shall be presented by the applicant in the form of written reports or file memoranda. Of the two thousand hours, one thousand hours shall be in nonresidential appraisal work. For purposes of determining nonresidential appraisal work, residential appraisal work shall be the appraisal of property having one to four residential units;

(e) ~~(5)~~ Pass an examination administered by the board which demonstrates that the applicant has:

(i) ~~(a)~~ Knowledge of technical terms commonly used in or related to appraisal, appraisal report writing, and economic concepts applicable to real estate;

(ii) ~~(b)~~ An understanding of the principles of land economics, appraisal processes, and problems encountered in gathering, interpreting, and processing of data involved in the valuation of real property;

(iii) ~~(c)~~ An understanding of the standards for the development and communication of appraisals as provided in the Real Estate Appraiser Act;

(iv) ~~(d)~~ An understanding of the standards of professional appraisal practice and ethical rules that a real estate appraiser is required to observe;

(v) ~~(e)~~ Knowledge of depreciation theories, cost estimating, methods of capitalization, and appraisal mathematics;

(vi) ~~(f)~~ Knowledge of such other principles and procedures as may be appropriate for general certification;

(vii) ~~(g)~~ An understanding of real estate law; and

(viii) ~~(h)~~ An understanding of the types of misconduct for which disciplinary proceedings may be initiated; and

(f)(i) ~~(6)(a)~~ Not have been convicted of any felony or, if so convicted, have had his or her civil rights restored and ~~(b)~~ (ii) furnish proof which upon investigation demonstrates that he or she has good character and a reputation for honesty and integrity.

(2) The application for a general certificate shall include the applicant's social security number.

Sec. 208. Section 76-2233, Reissue Revised Statutes of Nebraska, is amended to read:

76-2233. (1) A nonresident may register or obtain a license or residential or general certificate as a real estate appraiser by (a) complying with all of the provisions of the Real Estate Appraiser Act relating to the registration, licensure, or residential or general certification of real estate appraisers, (b) submitting an application on a form approved by the board, and (c) submitting an irrevocable consent that service of process upon him or her may be made by delivery of the process to the director of the board if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant in an action against the applicant in a court of this state arising out of the applicant's activities as a real estate appraiser in this state.

(2) If, in the determination of the board, another state or territory or the District of Columbia has substantially equivalent requirements to the requirements of this state, an applicant who is a resident of that state, territory, or district and is currently registered, licensed, residential or general certified, or otherwise authorized to appraise real estate and real property under the laws of that state, territory, or district may through reciprocity become a registered, licensed, certified residential, or certified general real estate appraiser under the act. To qualify for reciprocal registration, licensure, or general or residential certification, the applicant shall:

(a) Submit evidence that he or she is a resident of and is currently in good standing in the state, territory, or District of Columbia in which he or she is registered, licensed, residential or general certified, or otherwise authorized to appraise real estate and real property, along with his or her social security number:

(b) Certify that disciplinary proceedings are not pending against him or her or state the nature of any pending disciplinary proceedings;

(c) Submit an irrevocable consent that service of process upon him or her may be made by delivery of the process to the director of the board if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant in an action against the applicant in a court of this state arising out of the applicant's activities as a real estate appraiser in this state;

(d) Pay fees as established in section 76-2241; and

(e) Comply with such other terms and conditions as may be determined by the board.

The board may waive the residence requirement of this subsection under special residency circumstances.

Sec. 209. Section 76-2233.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-2233.01. A nonresident may temporarily register or obtain a temporary license or residential or general certificate to perform a contract relating to the appraisal of real estate or real property in this state. To qualify for temporary registration or for the issuance of a temporary license or residential or general certificate, an applicant shall:

(1) Submit an application on a form approved by the board;

(2) Submit an irrevocable consent that service of process upon him or her may be made by delivery of the process to the director of the board if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant in an action against the applicant in a court of this state arising out of the applicant's activities as a real estate appraiser in this state;

(3) Submit evidence that he or she is registered, licensed, residential or general certified, or otherwise authorized to appraise real estate and real property and is currently in good standing in the jurisdiction of residency, along with his or her social security number:

(4) Certify that disciplinary proceedings are not pending against him or her or state the nature of any pending disciplinary proceedings; and

(5) Pay an application fee in an amount established by the board.

A temporary registration or a temporary license or residential or general certificate issued under this section shall be expressly limited to a grant of authority to perform the appraisal work required by the contract for appraisal services in this state. Each temporary registration, license, or residential or general certificate shall expire upon the completion of the appraisal work required by the contract for appraisal services or upon the expiration of a period of six months from the date of issuance, whichever occurs first. A temporary registration, license, or residential or general certificate may not be renewed.

Sec. 210. Section 76-2234.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-2234.01. Any residential certificate issued under the Real Estate Appraiser Act other than a temporary residential certificate shall remain in effect until December 31 following the date of issuance unless surrendered, revoked, suspended, or canceled prior to such date. To renew a valid residential certificate, the certificate holder shall file an application on a form approved by the board and pay the prescribed renewal fee to the board no later than November 30 of each year. In every second year of renewal, as specified in section 76-2236, evidence of completion of continuing education requirements shall accompany renewal application or be on file with the board prior to renewal. The application for a certificate shall include the applicant's social security number.

If a residential certificate holder fails to apply and meet the requirements for renewal of a certificate by November 30, such residential certificate holder may obtain renewal of such certificate by satisfying all of the requirements for renewal and paying a late renewal fee if such late renewal takes place prior to July 1 of the following year. The board may refuse to renew any residential certificate if the residential certificate holder has continued to perform real estate appraisal activities or other related activities in this state following the expiration of his or her residential certificate.

Sec. 211. Section 77-2612, Reissue Revised Statutes of Nebraska, is amended to read:

77-2612. The Tax Commissioner is hereby authorized to employ, with the advice and consent of the Governor, a sufficient number of inspectors, clerks, assistants, and agents to enforce the provisions of sections 77-2601 to 77-2615, including the collection of all stamp taxes and all revenue from cigarette tax meters provided for herein. In such enforcement the Tax Commissioner may call to his or her aid the Attorney General, any county attorney, any sheriff, deputy sheriff, or other peace officer. The compensation of all persons employed hereunder shall be fixed by the Governor and shall be paid from the revenue derived under the provisions of sections 77-2601 to 77-2615. The expenses of administering sections 77-2601 to 77-2615, including necessary assistants, clerical help, cost of enforcement, cost of stamps, and incidental expenses, when approved by the Tax Commissioner, shall be paid by warrants, issued against the General Fund, but the same such warrants shall not exceed four percent of the funds collected under the provisions of sections 77-2601 to 77-2615, said such expenses in each instance to be approved by the Tax Commissioner. The Tax Commissioner is hereby authorized to promulgate rules and regulations which are consistent with the provisions of sections 77-2601 to 77-2615 and their proper enforcement. Each wholesale dealer shall make application to the Tax Commissioner, upon forms to be furnished by the Tax Commissioner for a permit to use the tax meter machines, as set forth in section 77-2603, or to purchase said such stamps as provided in section 77-2608, or both. Each wholesale dealer shall furnish with such application evidence satisfactory to the Tax Commissioner showing that he or she has obtained a license as a wholesale dealer in accordance with section 28-1423. He or she shall accompany said the application with a fee of five hundred dollars to be placed in the General Fund if the permit is granted and otherwise to be returned to the applicant. If the applicant is an individual, the application shall include the applicant's social security number. If the application is approved and the bond referred to in section 77-2603 is given and approved, if such bond is required under said section 77-2603, the Tax Commissioner shall issue such license which shall be conspicuously posted in the place of business of such wholesale dealer.

Sec. 212. Section 77-2705, Reissue Revised Statutes of Nebraska, is amended to read:

77-2705. (1) Every retailer shall register with the Tax

Commissioner and give:

(a) The name and address of all agents operating in this state;  
 (b) The location of all distribution or sales houses or offices or other places of business in this state; ~~and~~  
 (c) Such other information as the Tax Commissioner may require; and  
 (d) If the retailer is an individual, his or her social security number.

(2) Every person furnishing public utility service as defined in subsection (2) of section 77-2702.07 shall register with the Tax Commissioner and give:

(a) The address of each office open to the public in which such public utility service business is transacted with consumers; and

(b) Such other information as the Tax Commissioner may require.

(3) It shall be unlawful for any person to engage in or transact business as a seller within this state after June 1, 1967, unless a permit or permits shall have been issued to him or her as prescribed in this section. Every person desiring to engage in or to conduct business as a seller within this state shall file with the Tax Commissioner an application for a permit for each place of business. At the time of making such application, the applicant shall pay to the Tax Commissioner a permit fee of ten dollars for each permit.

(4) Every application for a permit shall:

(a) Be made upon a form prescribed by the Tax Commissioner;

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his or her place or places of business;

(c) Set forth such other information as the Tax Commissioner may require; and

(d) Be signed by the owner and include his or her social security number if he or she is a natural person; in the case of an association or partnership, by a member or partner; in case of a limited liability company, by a member or some person authorized by the limited liability company to sign such kinds of applications; and in the case of a corporation, by an executive officer or some person authorized by the corporation to sign such kinds of applications.

(5) After compliance with subsections (1) through (4) of this section by the applicant, the Tax Commissioner shall grant and issue to each applicant a separate permit for each place of business within the state. A permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued and shall be valid and effective without further payment of fees until revoked by the Tax Commissioner.

(6)(a) Whenever the holder of a permit fails to comply with any provision of the Nebraska Revenue Act of 1967 relating to the retail sales tax or with any rule or regulation of the Tax Commissioner relating to such tax prescribed and adopted under such act, the Tax Commissioner upon hearing, after giving the person twenty days' notice in writing specifying the time and place of hearing and requiring him or her to show cause why his or her permit or permits should not be revoked, may revoke or suspend any one or more of the permits held by the person. The Tax Commissioner shall give to the person written notice of the suspension or revocation of any of his or her permits. The notices may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

(b) The Tax Commissioner shall have the power to restore permits which have been revoked but shall not issue a new permit after the revocation of a permit unless he or she is satisfied that the former holder of the permit will comply with the provisions of such act relating to the retail sales tax and the regulations of the Tax Commissioner. A seller whose permit has been previously suspended or revoked shall pay the Tax Commissioner a fee of twenty-five dollars for the renewal or issuance of a permit in the event of a first revocation and fifty dollars for renewal after each successive revocation.

(c) The action of the Tax Commissioner may be appealed by the taxpayer in the same manner as a final deficiency determination.

(7) For the purpose of more efficiently securing the payment, collection, and accounting for the sales and use taxes and for the convenience of the retailer in collecting the sales tax, it shall be the duty of the Tax Commissioner to formulate and promulgate appropriate rules and regulations providing a form and method for the registration of exempt purchases and the documentation of exempt sales.

(8) If any person, firm, corporation, association, or agent thereof

presents an exempt sale certificate to the seller for property which is purchased by a taxpayer or for a use other than those enumerated in the Nebraska Revenue Act of 1967 as exempted from the computation of sales and use taxes, the Tax Commissioner may, in addition to other penalties provided by law, impose, assess, and collect from the purchaser or the agent thereof a penalty of one hundred dollars or ten times the tax, whichever amount is larger, for each instance of such presentation and misuse of an exempt sale certificate. Such amount shall be in addition to any tax, interest, or penalty otherwise imposed.

Any report, name, or information which is supplied to the Tax Commissioner regarding a violation specified in this section, including the identity of the informer, shall be subject to the pertinent provisions regarding wrongful disclosure in section 77-2711.

Sec. 213. Section 77-3002, Reissue Revised Statutes of Nebraska, is amended to read:

77-3002. Any operator shall be required to procure a license from the Tax Commissioner permitting him or her to operate machines or devices within the State of Nebraska. The Tax Commissioner, upon the application of any person, may issue a license, ~~except~~ PROVIDED, that if the applicant (1) is a person who is not of good character and reputation in the community in which he or she resides, (2) is a person who has been convicted of or has pleaded guilty to a felony under the laws of the State of Nebraska, any other state, or of the United States, or (3) is a person who has been convicted of or has pleaded guilty to being the proprietor of a gambling house, or of any other crime or misdemeanor opposed to decency and morality, no license shall be issued. If the applicant is a corporation, whose majority stockholders could not obtain a license, then such corporation shall likewise not be issued a license. If the applicant is an individual, the application shall include the applicant's social security number. Such application also shall be accompanied by a fee of two hundred fifty dollars, and an annual renewal fee of two hundred fifty dollars shall be payable thereafter on or before July 1 of each year, ~~except~~ PROVIDED, that if the person required under the provisions of this section to obtain a license operates less than five machines the fee shall be twenty dollars per machine, all of which fees shall be paid into the state treasury to the credit of the General Fund. Procuring a license shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such a person in any action arising out of the operation of such machines or devices in this state.

Sec. 214. Section 77-3003, Reissue Revised Statutes of Nebraska, is amended to read:

77-3003. Any distributor shall be required to procure a license from the Tax Commissioner permitting him or her to sell, lease, or deliver possession or custody of a machine or device within the State of Nebraska. The Tax Commissioner, upon the application of any person, may issue a license, subject to the same limitations as an operator's license under the provisions of section 77-3002. If the applicant is an individual, the application shall include the applicant's social security number. Such application shall also be accompanied by a fee of two hundred fifty dollars, and an annual renewal fee of two hundred fifty dollars shall be payable thereafter on or before July 1 of each year, all of which fees shall be paid into the state treasury to the credit of the state General Fund.

Sec. 215. Section 77-3707, Reissue Revised Statutes of Nebraska, is amended to read:

77-3707. Every owner, lessee, or manager of land upon which are located or to be located two or more mobile homes shall obtain a permit therefor from the county treasurer upon payment of an annual fee of five dollars which shall be deposited in the county general fund. Such annual permit shall be renewed during January of each year. Application for such permit shall be made on forms prescribed and furnished by the Tax Commissioner. If the applicant is an individual, the application for a permit shall include the applicant's social security number.

Sec. 216. Section 79-810, Reissue Revised Statutes of Nebraska, is amended to read:

79-810. (1) The certificates and permits provided for in section 79-808 shall be issued by the commissioner upon application on forms to be prescribed and provided by him or her, which shall include the applicant's social security number, and upon the payment by the applicant of a nonrefundable fee of forty dollars, except as provided in subsection (4) of this section, for each application for a certificate or permit. The board may waive the fee for the holder of any certificate issued in another state which is determined to have validity in this state based on provisions in agreements between the states which have been approved by the board.



(2) Each such certificate or permit issued by the commissioner shall indicate the grade levels, subjects, subject fields, or areas of specialization for which the holder was specifically prepared by a standard institution of higher education or authorized by the board to teach, counsel, supervise, and administer. During the term of any certificate or permit issued by the commissioner, additional endorsements may be made on the certificate or permit for a nonrefundable fee of thirty dollars. Such additional endorsements shall indicate only the grade levels, subjects, subject fields, or areas of specialization for which the holder was specifically prepared by a standard institution of higher education or authorized by the board pursuant to section 79-808.

(3) The Teachers' Certification Fund is created. Any fee received by the State Department of Education under this section shall be remitted to the State Treasurer for credit to the Teachers' Certification Fund. The fund shall be used by the department in paying the costs of certifying educators pursuant to sections 79-808 to 79-816, except that ten dollars of the forty-dollar fee specified in subsection (1) of this section shall be credited to the Professional Practices Commission Fund which is created for use by the department to pay for the provisions of sections 79-859 to 79-871. Money in the Teachers' Certification Fund shall not be used for any purpose other than the direct certification of educators and shall not be used for accreditation visits. Any money in the Teachers' Certification Fund or the Professional Practices Commission 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.

(4) Since nonpublic schools and their teachers do not receive the benefits of sections 79-859 to 79-871, a special certificate or permit restricted to use in nonpublic schools only shall be issued upon payment of a nonrefundable fee of thirty dollars and the applicant providing his or her social security number. Such certificate or permit shall have plainly stamped or otherwise written on its face the words nonpublic school only. Upon surrender of such a certificate or permit and the payment of the fee provided in subsection (1) of this section by the holder of the certificate or permit, a regular certificate or permit shall be issued. Such fee shall be remitted and credited as directed in subsection (3) of this section.

(5) Upon payment by the applicant of a nonrefundable fee of thirty dollars, a duplicate certificate or permit to which the holder is entitled may be issued by the commissioner.

Sec. 217. Section 81-2,147.10, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,147.10. (1) No person who labels for sale in Nebraska agricultural, vegetable, or flower seeds shall sell such seeds in Nebraska unless he or she holds a valid seed permit. Application for the permit shall be made to the Department of Agriculture on forms prescribed and furnished by the department. If the applicant is an individual, the application for a permit shall include the applicant's social security number. Application forms shall be submitted to the department accompanied by an annual registration fee of fifteen dollars. Registrations shall be renewed on or before January 1 of each year. If a person fails to renew the registration by January 31 of each year, such person shall be required to pay a reinstatement penalty of fifteen dollars in addition to the registration fee.

(2) Subsection (1) of this section shall not apply:

(a) To any person who labels and sells less than ten thousand pounds of agricultural seed in Nebraska each calendar year, except that any person who labels and sells grass seeds and mixtures of grass seeds intended for lawn or turf purposes shall be required to obtain a permit pursuant to subsection (1) of this section; or

(b) If the agricultural, vegetable, or flower seeds being labeled and sold are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

(3) The director shall refuse to issue a permit when the application for such permit is not in compliance with the Nebraska Seed Law or any rules and regulations adopted and promulgated pursuant to such law and may cancel any permit when it is subsequently found to be in violation of any provision of such law, rule, or regulation or when the director has satisfactory evidence that the person has used fraudulent or deceptive practices in an attempted evasion of the law, rule, or regulation, except that no permit shall be refused or canceled until the person shall have been given an opportunity to be heard before the director.

Sec. 218. Section 81-2,162.23, Reissue Revised Statutes of Nebraska, is amended to read:

81-2,162.23. (1) No person shall manufacture or distribute commercial fertilizers or soil conditioners in this state unless such person holds a valid license for each manufacturing and distribution facility in this state. Any out-of-state manufacturer or distributor who has no distribution facility within this state shall obtain a license for his or her principal out-of-state office if he or she markets or distributes commercial fertilizer or soil conditioners in the State of Nebraska.

(2) An applicant for a license shall make application to the department on forms furnished by the department. If the applicant is an individual, the application shall include the applicant's social security number. Application forms shall be submitted to the department accompanied by an annual license fee of fifteen dollars. Licenses shall be renewed on or before January 1 of each year.

(3) A copy of the valid license shall be posted in a conspicuous place in each manufacturing or distribution facility.

(4) Persons distributing custom-blended products shall maintain records of purchase orders received for custom-blended products from the date such orders are received until such products are distributed, which records shall be sufficient to show the product ordered, date of such order, purchaser, and quantity of product ordered.

(5) The provisions of this section shall not apply to any retail store which sells or offers for sale less than a five-ton volume of commercial fertilizer or soil conditioners annually.

Sec. 219. Section 81-885.11, Reissue Revised Statutes of Nebraska, is amended to read:

81-885.11. Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission shall prescribe, setting forth the following:

(1) The name and address of the applicant or the name under which he or she intends to conduct business and, if the applicant conducts business through a partnership, the name and residence address of each member thereof, the name of the partnership's designated broker, and the name under which the partnership business is to be conducted, if the applicant conducts business through a limited liability company, the name and address of each of its members and the name of the company's designated broker, and, if the applicant conducts business through a corporation, the name and address of each of its principal officers and the name of the corporation's designated broker. If the applicant is an individual, the application shall include the applicant's social security number;

(2) The place or places, including the city or village with the street and street number, if any, where the business is to be conducted; and

(3) Such other information as the commission requires.

Sec. 220. Section 81-887.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-887.02. Auctioneers of such foreign state, which requires a license or imposes regulations upon auctioneers of this state, who desire to conduct public sales in this state shall, before conducting any such sale, apply to the county clerk of any county in this state for a license to do so. The application shall include the applicant's social security number. Upon considering such application, the county clerk shall issue a license upon the payment of the same fee and compliance with the other requirements required of auctioneers of this state in such foreign state. Such fee shall be deposited with the county treasurer and credited to the general fund of the county.

Sec. 221. Section 81-8,114, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,114. Applications for registration shall be on forms prescribed and furnished by the examining board which shall be filed with the secretary of the examining board at least ninety days prior to the examination. Such applications shall contain a statement, made under oath, showing the applicant's education and detailed summary of his or her technical work, the applicant's social security number, and such other information as the examining board shall require.

Sec. 222. Section 81-8,130.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,130.01. Licenses and permits may be issued to professional boxing or wrestling promoters, whether persons, clubs, or associations, for the sole purpose of conducting professional matches under such rules and regulations as the State Athletic Commissioner shall adopt. Each application for such license shall be accompanied by a fee of one hundred dollars. If the promoter is an individual, the application shall include his or her social security number.

Sec. 223. Section 81-8,133.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,133.01. The State Athletic Commissioner may grant licenses to qualified physicians, managers, matchmakers, and professional boxing judges upon an application and payment of an annual fee of ten dollars and to qualified timekeepers, contestants, and seconds upon an application and payment of an annual fee of five dollars. The application shall include the applicant's social security number. No person shall serve as physician, manager, matchmaker, or judge at any wrestling or boxing match who is not licensed as such. No person shall serve as timekeeper or contestant at any professional wrestling or boxing match who is not licensed as such. The commissioner shall have summary authority to stop any match at which any person is serving in violation of the provisions of this section. Any license granted under the provisions of this section may be revoked for cause.

Sec. 224. Section 81-8,196, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,196. Each applicant for registration as a professional landscape architect shall complete an application which includes his or her social security number and shall have the following requirements:

(1) Graduation from a course of study in landscape architecture of four years or more in a school or college satisfactory to the board. In addition, the applicant shall also submit a specific record of four years or more of practical experience in landscape architecture which is of a grade and character satisfactory to the board. In lieu of graduation from a four-year landscape architecture course in school or college, and the additional requirement for practical experience, there may be substituted evidence of at least eight years of practical experience which in the opinion of the board has prepared the applicant for examination and registration;

(2) Successful passing of a written, oral, or written and oral examination in landscape architecture which is designed to determine the proficiency and qualifications to engage in the practice of professional landscape architecture. No applicant shall be entitled to take this examination until the applicant's education, training or experience, or both training and experience, have met the requirements of the board;

(3) Be at least twenty-one years of age; and

(4) Be of good character.

Sec. 225. Section 81-1521.09, Reissue Revised Statutes of Nebraska, is amended to read:

81-1521.09. (1) Commencing on June 30, 1988, any person who desires a permit for a commercial hazardous waste management facility shall, at least one hundred eighty days prior to making application therefor, file a notice of intent with the director on a form provided by the director. The notice of intent shall include such information as prescribed by the director and shall be accompanied by a fee established by the department in an amount sufficient, but not in excess of the amount necessary, to pay the department for the direct and indirect costs of processing the notice of intent and to pay the costs and expenses specified in section 81-1521.12. Within fifteen days of receipt of a notice of intent, the director shall notify the appropriate local officials and shall establish a specific site review committee. The purpose of establishing the committee shall be to provide for early public involvement in the consideration of a proposed facility.

(2) The director may appoint a designee to carry out duties assigned to the director related to a notice of intent or an application for a permit except the duty to make the decision required by section 81-1521.19. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 226. Section 81-1559, Reissue Revised Statutes of Nebraska, is amended to read:

81-1559. (1) To aid in defraying the cost of administration of the Nebraska Litter Reduction and Recycling Act and the Waste Reduction and Recycling Incentive Fund, there shall be collected an annual litter fee equal to one hundred seventy-five dollars for each one million dollars of gross proceeds of products manufactured and the sales of which are consummated within this state, including byproducts, in the case of manufacturers and equal to one hundred seventy-five dollars for each one million dollars of the gross proceeds of the sales consummated within this state in the case of wholesalers. The litter fee provided by this section shall not be applied to gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom if the person performs only the growing or raising function of such animal, bird, or insect. Such fee shall be collected and administered by the Department of Revenue. The fee imposed by this section shall be due on or before October 1 each year,

based upon the gross proceeds for the immediately preceding July 1 to June 30 period. The collection and penalty provisions of the Nebraska Revenue Act of 1967 shall be applicable to the administration and collection of the fee imposed by this section.

(2) No manufacturer or wholesaler in the state shall produce or sell any product which falls within the categories enumerated in this section and section 81-1560 without having first obtained a license issued in the same manner as permits issued pursuant to section 77-2705. If the applicant is an individual, the application for the license shall include the applicant's social security number. Failure to obtain such license shall be a Class IV misdemeanor. Except as provided in section 81-1560.03, any manufacturer or wholesaler who fails to pay the fee imposed pursuant to subsection (1) of this section may have such license revoked in the same manner as permits are revoked pursuant to section 77-2705.

Sec. 227. Section 81-1915, Reissue Revised Statutes of Nebraska, is amended to read:

81-1915. A person, including a municipal, county, or state employee, who wishes to engage in the use of instrumentation which is designed to attempt to detect truth or deception and any other person desiring to be licensed under sections 81-1901 to 81-1936 shall file an application for a license with the Secretary of State. If the applicant is an individual, the application shall include the applicant's social security number. The Secretary of State shall issue a nontransferable license to each qualified applicant. Such license shall authorize the holder to engage in the use of instrumentation designed to detect truth or deception and each license shall specify the instrument the holder is licensed to operate.

Sec. 228. Section 81-1920, Reissue Revised Statutes of Nebraska, is amended to read:

81-1920. The secretary shall investigate or cause to be investigated each application for an examiner or intern's license in order to determine that all information and statements in the application are correct. If the applicant is an individual, the application shall include the applicant's social security number. The secretary shall not issue the license until the investigation is complete. The investigation shall be completed within ninety days after receipt of the application.

Sec. 229. Section 81-2118, Reissue Revised Statutes of Nebraska, is amended to read:

81-2118. All licenses issued under the State Electrical Act shall expire on December 31 of each even-numbered year. All license applications shall include the applicant's social security number. The following fees shall be payable for examination, issuance, and renewal:

- (1) For examination:
  - (a) Electrical contractor, sixty-two dollars and fifty cents;
  - (b) Journeyman electrician, twelve dollars and fifty cents; and
  - (c) Fire alarm installer, twelve dollars and fifty cents;
- (2) For each year of the two-year license period for issuance and renewal on or after September 9, 1993:
  - (a) Electrical contractor, seventy-five dollars; and
  - (b) Journeyman electrician or fire alarm installer, fifteen dollars;
- (3) For each year of the two-year license period for registration as an apprentice electrician, ten dollars; and
- (4) For renewal on or after September 9, 1993, of the following licenses issued prior to such date for each year of the two-year license period:
  - (a) Class A electrical contractor for issuance of an electrical contractor license, seventy-five dollars;
  - (b) Class B electrical contractor, seventy-five dollars;
  - (c) Class A master electrician, seventy-five dollars;
  - (d) Class B master electrician, seventy-five dollars;
  - (e) Class A journeyman electrician for issuance of a journeyman electrician license, fifteen dollars;
  - (f) Special electrician for issuance of a fire alarm installer license, fifteen dollars; and
  - (g) Class B journeyman electrician, installer, or special electrician, fifteen dollars.

The holder of an expired license may renew the license for a period of three months from the date of expiration upon payment of the license fee plus ten percent of the renewal fee for each month or portion thereof past the expiration date. All holders of licenses expired for more than three months shall apply for a new license.

Sec. 230. Section 85-1622, Revised Statutes Supplement, 1996, is amended to read:

85-1622. An applicant for an agent's permit shall be an individual of good reputation and character and shall represent only private postsecondary career schools which meet the minimum standards established pursuant to sections 85-1606 and 85-1608. Each person desiring to perform the services of an agent in this state shall make application to the department upon forms to be provided by the department. The application shall state the school which the applicant intends to represent and shall include the applicant's social security number. An agent shall obtain a separate agent's permit for each school represented. A single agent's permit and surety bond for one school with one or more branch facilities shall extend to cover all branch facilities. The application for an agent's permit shall also be accompanied by evidence of a surety bond as provided in section 85-1640 and payment of the application fee provided in section 85-1643.

If any school which the applicant intends to represent is not domiciled in this state, the application shall be accompanied by the information required of schools making application for authorization to operate and evidence to show that its place of business outside this state has been licensed or approved for operation by the appropriate state agency in the state in which it is domiciled. If the state of domicile of the school has no authorization law for private postsecondary career schools, the school shall (1) submit all information required of schools applying for authorization to operate in this state and show evidence that it has been accredited either by an accrediting agency recognized by the United States Department of Education as specified in section 85-1609 or by the State Department of Education following an onsite evaluation of the school with all costs of the evaluation borne by the school and (2) file with the department a school bond in at least the amount required by section 85-1639.

Sec. 231. Section 86-1214, Reissue Revised Statutes of Nebraska, is amended to read:

86-1214. (1) A person shall not connect or operate an automatic dialing-announcing device for the purpose of making telephone solicitations on any telephone line unless the person has a current permit from the commission for the device. An applicant for a permit shall make a written application to the commission. The application shall be in a form prescribed by the commission and shall require information about the type of device proposed for connection and operation, the time of day telephone solicitations will be made using the device, the anticipated number of calls proposed to be placed during the specified calling period, the average length of a completed call, or such alternative or additional information as the commission may require. If the applicant is an individual, the application shall include the applicant's social security number. The applicant shall remit a fee of five hundred dollars for each device with the application.

(2) Upon receiving an application for a permit, the commission may grant, grant as modified, or deny the application. The commission may modify or deny the permit if the commission determines that (a) the applicant is unwilling or unable to meet the requirements placed on such operations by law, rule, or regulation or has failed to comply with the requirements in the past, (b) the connection or operation of the device will result in a significant decline in the quality of service or access to service for other telephone users, (c) the applicant's equipment is unable to meet the requirements of law, rule, or regulation, or (d) the application does not contain adequate information.

(3) If a permit is granted, the permit shall remain in force for two years from the date of issuance, and each application for the renewal of a permit shall be treated as a new application.

(4) After receiving a permit but prior to connecting or operating an automatic dialing-announcing device on any telephone line, the permit holder shall notify the telephone company of the telephone line on which the device is proposed to be connected or operated. The telephone line shall be considered a business telephone line. The telephone company shall release to the commission the identity of any person connecting or operating an automatic dialing-announcing device when requested to do so by the commission pursuant to an investigation.

Sec. 232. Section 88-527, Revised Statutes Supplement, 1996, is amended to read:

88-527. (1) No person shall operate a warehouse nor act as a warehouseman without a license issued pursuant to the Grain Warehouse Act. Warehouses, except warehouses which are licensed under the United States Warehouse Act, shall be licensed and regulated by the commission. If the applicant is an individual, the application shall include the applicant's social security number. Such warehouses shall be inspected by the commission at least once every nine months.

(2) The commission may make available to the United States Government or any of its agencies, including the Commodity Credit Corporation, the results of inspections made and inspection reports submitted by employees of the commission upon payment of such fees as may be determined by the commission. The fees shall cover the actual cost of the services rendered in regard to providing the information.

(3) The commission may charge for inspections conducted at the request of a warehouse licensee. The commission may assess a surveillance fee against the assets of a warehouse licensee for actual expenses incurred by the commission in suspending a license or terminating the operations of a warehouse licensee. The commission may enter into contracts for such purpose and shall keep a record of all surveillance fees collected. All surveillance fees collected by the commission shall be deposited in the Nebraska Grain Warehouse Surveillance Cash Fund.

(4) The commission may enter into agreements and contracts with regulators in states which border Nebraska for the purpose of licensing or examining any public grain warehouseman which operates facilities in such states. The commission shall assume all jurisdiction over any warehouseman headquartered in Nebraska regarding his or her warehouse activity. A warehouseman headquartered and licensed in another state which acquires facilities in Nebraska is under the jurisdiction of the headquarter state under the terms of such agreement or contract.

Sec. 233. Section 89-187.02, Reissue Revised Statutes of Nebraska, is amended to read:

89-187.02. Application for a permit to operate a weighing and measuring establishment shall be made to the director on forms prescribed and furnished by the department. Such application shall include the full name and mailing address of the applicant; the names and addresses of any partners, members, or corporate officers; the name and address of the person authorized by the applicant to receive notices and orders of the department as provided in the Weights and Measures Act; whether the applicant is an individual, partnership, limited liability company, corporation, or other legal entity; the location and type of all commercial weighing and measuring devices; and the signature of the applicant. If the applicant is an individual, the application shall include the applicant's social security number. On and after August 1, 1992, an application for a permit shall be made prior to the operation of a weighing and measuring establishment. The application shall be accompanied by a one-time permit fee of five dollars. Payment of the permit fee shall not preclude payment of the annual device registration and inspection fees required in section 89-187.

Sec. 234. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 235. Original sections 1-116, 7-102, 14-109, 15-217, 16-237, 18-1907, 18-2307, 20-156, 23-810, 23-813, 28-1229, 28-1239.01, 28-1246, 28-1403, 28-1422, 37-202, 37-211, 37-211.01, 37-715, 37-901, 39-2306, 43-2609, 44-101.01, 44-1950, 44-2621, 44-4015, 44-5503, 44-5603, 45-117, 45-346, 45-605, 46-297, 46-637, 46-1229, 46-1231, 48-149, 48-161, 48-418, 48-503, 49-1480, 54-161, 54-850, 54-1161, 54-1176, 54-1704, 54-1904, 54-2002, 60-4, 129, 60-4, 148, 60-4, 171, 60-4, 176, 60-1407, 60-1411.01, 60-2130, 66-483, 66-502, 66-666, 66-6, 106, 66-1521, 69-202, 69-1204, 71-108, 71-1, 132.13, 71-1, 132.37, 71-1, 139, 71-1, 314, 71-1, 319, 71-1, 325, 71-1, 329, 71-201, 71-208.06, 71-209, 71-242, 71-387, 71-3, 137, 71-3, 138.01, 71-3, 152, 71-605, 71-1722, 71-1730, 71-1755, 71-1778, 71-1911, 71-1914, 71-3102, 71-3205, 71-3515.01, 71-3703, 71-4623, 71-4706, 71-4708, 71-5109, 71-5133, 71-5147, 71-5157, 71-5308, 71-5514, 71-5903, 71-6054, 71-6106, 71-6310, 71-6326, 71-6816, 71-7417, 71-7418, 72-303, 75-903, 76-542, 76-546, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2234.01, 77-2612, 77-2705, 77-3002, 77-3003, 77-3707, 79-810, 81-2, 147.10, 81-2, 162.23, 81-885.11, 81-887.02, 81-8, 114, 81-8, 130.01, 81-8, 133.01, 81-8, 196, 81-1521.09, 81-1559, 81-1915, 81-1920, 81-2118, 86-1214, and 89-187.02, Reissue Revised Statutes of Nebraska, and sections 2-1092, 2-1097, 2-10, 100.01, 2-1203.02, 2-2635, 2-2638, 2-2639, 2-2641, 2-3906, 8-1103, 9-1, 104, 9-255.06, 9-255.07, 9-255.09, 9-329.02, 9-330, 9-332, 9-424, 9-632, 9-642.01, 12-1108, 13-2040, 37-503, 37-505, 37-703, 39-2604, 42-364, 43-104.02, 43-512.03, 43-512.12, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904, 45-705, 45-905, 48-1704, 48-2105, 53-124, 60-4, 105, 60-4, 130, 60-4, 146.01, 85-1622, and 88-527, Revised Statutes Supplement, 1996, are repealed.