

ratify, or adopt any such contract existing on, prior to, or after the effective date of this act. I see the amendment is coming out as I speak and I've been speaking about the first section of the amendment, Section 3 for any of those of you who might have it in front of you. Section...subsection 2 is a provision that Senator Hillman wanted to insert which says that any subscriber contract arising out of contracts entered into pursuant to this subsection 1 or 4 shall not be prohibited but shall be also terminated on January 31, '98. The intent of that was, as we discussed it, that there was some concern that they might not be able to add new subscribers to the service during the next year and a half. I didn't really think this applied to that because that is a...I thought that was a contract between a private entity and another private entity. But as it turns out, it may be that the private company, Nebrask(at) Interactive, is executing those contracts on behalf of the Library Commission or as a representative of the Library Commission or something like that. So with that in mind, the provision that subscriber contracts can, in existence the effective date of this act or entered into after this act, can continue until January 31 of '98. Section 4 which was a section that we had to strike which dealt with the Executive Board having some oversight on fees...

PRESIDENT ROBAK: One minute.

SENATOR BROMM: ...that type of thing...

PRESIDENT ROBAK: Excuse me. There are six minutes remaining, Senator, excuse me.

SENATOR BROMM: Thank you, Madam President. Section 4 is rewritten entirely because as we have said, the Executive Board cannot be delegated the authority to prescribe a fee or to regulate a fee. That's an illegal delegation of authority, and it's a separation of powers problem. We have an executive contract, executive department contract and legislative Exec Board overseeing that. However, the AG's Opinion did say there could be...you could require a report to the Executive Board. Well, I was comfortable with that as it applies to situations where there is no fee set. For example, I was told that the Department of Economic Development wants to put some information out over the on-line which there is no fee in statute for this. So Section 4 says under those situations if there is no fee specified by state law and the agency proposes to put the