

LEGISLATIVE BILL 617

Approved by the Governor May 17, 1983

Introduced by Appropriations Committee, Warner, 25,
Chairperson; L. Johnson, 15;
H. Peterson, 35; Marsh, 29; Wagner, 41;
Kilgarin, 7; Goodrich, 20; Kahle, 37

AN ACT relating to fees; to amend sections 33-106.02, 54-820.01, 54-1165, 54-1704, 67-293, 71-604.01, 71-612, 71-623, 71-627, 71-628, 71-634, 71-1116, 71-1559, 71-2619, 71-2622, 71-4305, 71-4604.01, 71-4624, 81-2, 162.23, 81-2, 174, 84-1209, 84-1226, and 89-187, Reissue Revised Statutes of Nebraska, 1943, and sections 26-112, 33-106, 33-123, 33-124, and 54-1904, Revised Statutes Supplement, 1982; to provide for fees; to change provisions relating to fees; to provide powers and duties; to harmonize provisions; to create certain funds; to provide an operative date and an exception; to repeal the original sections; and to declare an emergency.

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

Section 1. Any person who files a petition with the Commission of Industrial Relations pursuant to section 48-811 shall, at the time of such filing, pay a docket fee of one hundred dollars to the clerk of such court. All fees so collected shall be deposited in the state treasury and by the State Treasurer credited to the General Fund.

Sec. 2. For the purposes of sections 42-121 to 42-128, if a standard serological test for syphilis is performed by the Department of Health, a fee not to exceed five dollars per test shall be charged for such laboratory test performed by the department. Such fee shall be deposited in the State Treasury and credited to the Department of Health Cash Fund.

Sec. 3. That section 26-112, Revised Statutes Supplement, 1982, be amended to read as follows:
26-112. The clerk of the municipal court shall charge and receive the following fees:

(1) In civil matters: For any and all

services rendered up to and including the judgment or dismissal of the action, ~~fifteen~~ eighteen dollars; for all orders after judgment, including, but not limited to, writs of execution, restitution, garnishment, examination in aid of execution, taking and approving any recognizance or bond, and furnishing transcripts, five dollars each; and

(2) In criminal matters: For any and all services rendered up to and including the judgment or dismissal of the action, and the issuance of mittimus or discharge to the jailer, ~~fifteen~~ eighteen dollars; except that in all cases handled by a violations bureau established by the local governing body by ordinance, under the jurisdiction of the municipal court, the court cost shall be as set forth in such ordinance; and for all orders and all services rendered after judgment, including, but not limited to, entries and official acts recorded, furnishing transcripts, and taking and approving any recognizance or bond, five dollars each.

Sec. 4. That section 33-106, Revised Statutes Supplement, 1982, be amended to read as follows:

33-106. In addition to the judges retirement fund fee and except as otherwise provided by law, the fees of the clerk of the district court shall be as follows: There shall be a docket fee of ~~thirty-five~~ forty dollars for each civil and criminal case except (1) a case commenced by filing a transcript of judgment as hereinafter provided; (2) proceedings under the Workmen's Compensation Law and the Employment Security Law, where provision is made for the fees that may be charged; and (3) a criminal case appealed to the district court from any court inferior thereto as hereinafter provided. There shall be a docket fee of twenty-five dollars for each case commenced by filing a transcript of judgment from another court in this state for the purpose of obtaining a lien. There shall be a docket fee of twenty-five dollars for each criminal case appealed to the district court from any court inferior thereto. In all cases, other than those appealed from an inferior court or original filings which are within jurisdictional limits of an inferior court and where a jury is demanded in district court, the docket fee shall cover all fees of said clerk except that said clerk shall be paid for each copy or transcript ordered of any pleading, record, or other paper, and that said clerk shall be entitled to a fee of fifteen dollars for making a complete record of a case, said fee to be taxed as a part of the costs of the case, except when expressly waived by the parties to the action. In all civil cases, except habeas corpus cases wherein a poverty affidavit is filed and approved by the court, and for all other services, the docket fee or other fee shall be paid by the party filing the case or requesting the

service at the time the case is filed or the service requested. For any other service which may be rendered or performed by said clerk but which is not required in the discharge of his or her official duties, the fee shall be the same as that of a notary public but in no case less than one dollar.

Sec. 5. That section 33-106.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-106.02. The clerk of the district court of each county shall in no case retain for his or her own use any fees, revenue, perquisites, or receipts, fixed, enumerated, or provided in this or any other section of the statutes of the State of Nebraska. The clerk ; but shall on or before the fifteenth day of each month make a report to the county board, under oath, showing the different items of such fees, revenue, perquisites, or receipts received, from whom, at what time, and for what service, and the total amount received by such officer since the last report, and also the amount received for the current year. The clerk shall account for and pay any fees, revenue, perquisites, or receipts not later than the fifteenth day of the month following the calendar month in which such fees, revenue, perquisites, or receipts were received in the following manner: (1) If a forty-dollar docket fee is imposed pursuant to section 33-106, five dollars of such fee shall be transmitted to the State Treasurer who shall deposit the same in the General Fund; and (2) the remaining fees, revenue, perquisites, or receipts shall be credited to the general fund of the county. If a thirty-five dollar docket fee is imposed pursuant to section 33-106, the entire fee shall be credited to the general fund of the county. ; and shall not later than the fifteenth day of the month account for and pay the same to the county treasurer who shall credit the same to the general fund of the county.

Sec. 6. That section 33-123, Revised Statutes Supplement, 1982, be amended to read as follows:

33-123. The county court shall be entitled to the following fees in civil matters: For any and all services rendered up to and including the judgment or dismissal of the action, fifteen ~~eighteen~~ dollars; for all orders, after judgment, including writs of execution, restitution, garnishment, examination in aid of execution, and taking and approving any recognizance or bond, five dollars each.

Sec. 7. That section 33-124, Revised Statutes Supplement, 1982, be amended to read as follows:

33-124. In criminal matters including preliminary and juvenile hearings, the county judge shall receive the following fees: For any and all services rendered up to and including the judgment or

dismissal of the action and the issuance of mittimus or discharge to the jailer, the sum of fifteen eighteen dollars; for all orders after judgment and taking and approving any recognizance or bond, five dollars each.

Sec. 8. That section 54-820.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-820.01. (1) No person shall manufacture or distribute commercial feed in this state unless such person holds a valid registration for each manufacturing and storage facility in this state. Application for registration shall be made to the department on forms furnished by the department, and accompanied by an annual registration fee of fifteen five dollars. Each registration shall expire on December 31 of each year unless application to renew such registration is made prior to expiration. A copy of the valid registration shall be posted in a conspicuous place in each location used for manufacturing or storage.

(2) 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 feed annually.

Sec. 9. That section 54-1165, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-1165. Every livestock auction market operator shall pay annually, on or before August 1, a market license fee of one hundred fifty dollars to the board for each livestock auction market operated by him or her, which payment shall constitute a renewal for one year. Fees so paid shall be deposited with the state treasury and placed by the State Treasurer in the Livestock Auction Market Fund for the use of the board in paying the expenses of administration of the provisions of this act.

Sec. 10. That section 54-1704, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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. The department may by regulation prescribe 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 twenty-five 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. section 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. 11. That section 54-1904, Revised Statutes Supplement, 1982, be amended to read as follows:

54-1904. After September 19, 1969, 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. 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 two hundred 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 provisions of sections 54-1901 to 54-1915 and the rules and regulations 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 sections 54-1901 to 54-1915. The enforcement of an order of suspension shall not be restrained by any court pending final action thereon.

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 sections 54-1901 to 54-1915 or any rule or regulation duly 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 sections 54-1901 to 54-1915.

Sec. 12. That section 67-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

67-293. The filing fee for all filings pursuant to sections 67-233 to 67-297, including amendments and name reservation, shall be ten dollars plus the recording fees set forth in subdivision (4) of section 33-101. The fees for filings pursuant to sections 67-233 to 67-297 shall be paid to the Secretary of State and by him or her paid into the state treasury. The State Treasurer shall credit fifty per cent of such fees to the General Fund and fifty per cent of such fees to the Uniform Limited Partnership Cash Fund, which is hereby created. and shall by the State Treasurer be placed in the General Fund.

Sec. 13. That section 71-604.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-604.01. All infants born in the State of

Nebraska shall be screened for phenylketonuria or primary hypothyroidism, metabolic disease, except that no infant shall be screened if a parent or guardian objects thereto on the grounds that such a screening is contrary to the religious tenets of an established church of which he or she is a member or adherent. This screening shall be as prescribed by the Department of Health. The department is authorized to promulgate and enforce rules and regulations to aid in implementing the provisions of sections 71-604.01 to 71-604.04. The department shall assess a fee for all screenings performed pursuant to sections 71-604.01 to 71-604.04. Such fee shall be set at the rate necessary to recover the actual costs of providing such screenings. Such fees shall be deposited in the state treasury and credited to the Department of Health Cash Fund.

(1) In the event a screening test indicates a newborn infant may be afflicted with the phenylketonuria syndrome, or hypothyroidism, it shall be the responsibility of the Department of Health to prescribe the procedures to be followed in order to determine if the syndrome or hypothyroidism is actually present.

(2) It shall be the responsibility primarily of the parents or legal guardian of the children and secondarily of the Department of Health to follow the development of all children carrying the syndrome of any metabolic disease to insure that those persons responsible for the care of the child are fully informed of accepted medical procedures for the detection, prevention, and treatment of such condition.

(3) When tests for detecting a metabolic disease other than phenylketonuria or hypothyroidism are perfected the Director of Health may require that tests for the syndrome or syndromes be made and reported on the birth certificate.

Sec. 14. That section 71-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-612. (1) The Director of Health, as the State Registrar, through the Department of Health shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by regulations of the department, a certified copy of the record of any birth, death, marriage, or divorce registered. The Except as provided in subsection (2) of this section, the department shall be entitled to charge and collect in advance a fee of five three dollars, to be paid by the applicant for each certified copy supplied to applicant or for any search made at applicant's request, for any such record, whether or not the record is found on file with the department; PROVIDED, the department shall, free of charge, make search for and furnish a certified

copy of any record on file with the department, upon the request of the United States Veterans' Administration, or any lawful service organization empowered to represent veterans, if such copy of such record is to be issued for the welfare of any member or veteran of the armed forces of the United States, or in the interests of any member of his or her family, in connection with a claim growing out of service in the armed forces of the nation, or upon request of the military department of the State of Nebraska; AND PROVIDED FURTHER, the department may, free of charge, make search for and furnish a certified copy of any record on file with the department when in the opinion of the director of vital statistics it would be a hardship for the claimant of old age, survivors, or disability benefits under the Social Security Act to pay the fee provided in this section. A strict account shall be kept of all funds received by the department. Such funds shall be paid to the state treasury and by the State Treasurer credited to the Bureau of Vital Statistics Fund, which is hereby created. The fund shall be used for the purpose of administering the laws relating to vital statistics.

(2) The Department of Health shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any in-hospital staff committee pursuant to sections 71-3401 to 71-3403. If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that such fee shall not exceed two dollars per individual search or copy requested.

Sec. 15. That section 71-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-623. The Department of Health shall charge and collect a fee of five dollars one dollar for each delayed birth certificate filed. Upon request and the payment of the fee prescribed by section 71-612 for the same, a certified copy of such a certificate may be furnished by the Director of Health through the Bureau of Vital Statistics. All fees so collected shall be paid into the state treasury and, by the State Treasurer credited to the Bureau of Vital Statistics Fund as provided in section 71-612.

Sec. 16. That section 71-627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of five dollars one dollar charged for each certificate filed. All fees so collected shall

be paid into the state treasury and shall be credited by the State Treasurer to the Bureau of Vital Statistics Fund, as provided in section 71-612. Upon request and the payment of the fee prescribed by section 71-612 for the same, a certified copy of such a certificate may be furnished by the Director of Health, through the Bureau of Vital Statistics.

Sec. 17. That section 71-628, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of its parents, as provided in section 13-109, the Bureau of Vital Statistics, Department of Health, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the husband acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births, and shall charge a filing fee of one dollar five dollars.

Sec. 18. That section 71-634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-634. The Department of Health shall charge and collect a fee of five dollars one dollar for each proceeding had under the provisions of section 71-630, sections 71-635 to 71-644, and section 71-640.02. The department shall collect the fee prescribed by section 71-612 for a certified copy of the amended record. All fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the Bureau of Vital Statistics Fund as provided in section 71-612.

Sec. 19. That section 71-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1116. Every physician, or other person authorized by law to practice obstetrics, who shall be attending pregnant women in the state for conditions relating to their pregnancy during the period of gestation or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of the blood of such woman at the time of the first examination, and shall submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend pregnant women in the state, but not permitted by law to take blood samples, shall cause such a sample of the blood of such pregnant women to be taken by a physician, duly licensed to practice medicine and surgery, obstetrics, or other person authorized by law to take such sample of blood and have such sample submitted to an approved

laboratory for a standard serological test for syphilis. The results of all such laboratory tests shall be reported to the Director of Health of Nebraska on standard forms prescribed and furnished by the Department of Health. For the purpose of this section, a standard serological test shall be a test for syphilis approved by the Director of Health of Nebraska, and shall be made at a laboratory approved to make such tests by the Director of Health of Nebraska. Such laboratory tests, as are required by this section, shall be made on request without charge at the Department of Health laboratory. A fee not to exceed seven dollars per test shall be charged to defray the cost of such tests. In reporting every birth and stillbirth, physicians, and others required to make such reports, shall state on the portion of the certificate entitled For Medical and Health Use Only whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed, and the approximate date when the specimen was taken; PROVIDED, that no birth certificate shall show the result of such test. If no test was made the reason shall be stated. The department shall provide the necessary clerical, printing and other expenses in carrying out the provisions of this section.

Sec. 20. That section 71-1559, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1559. Every manufactured housing unit, except those constructed or manufactured by any school district or technical community college area as a part of a buildings trade or other instructional program offered by such district or area, manufactured more than six months after July 10, 1976, which is sold, offered for sale, or leased in this state shall bear a seal issued by the department certifying that the construction and the structural, plumbing, heating, and electrical systems of such manufactured housing unit have been installed in compliance with the standards adopted by the department, applicable at the time of manufacture. Each manufacturer of such manufactured housing units, except those constructed or manufactured by such school district or technical community college area, shall submit its plans to the department for the purposes of inspection. The department shall establish a compliance assurance program consisting of an application form and a compliance assurance manual. Such manual shall identify and list all those procedures which the manufacturer and the inspection agency propose to implement to assure that the finished manufactured housing unit conforms to the approved building system and the applicable codes adopted by the department. The

compliance assurance program requirements shall apply to all inspection agencies, whether department or independent third party, and shall define their duties and responsibilities in the process of inspecting, monitoring, and issuing seals for manufactured housing units. The department shall issue the seal only after ascertaining that the manufacturer is in full compliance with the compliance assurance program through inspections by the department, or authorized third party inspection agency, at the plant. Such inspections shall be of an unannounced frequency such that the required level of code compliance performance is implemented and maintained throughout all areas of plant and site operations that affect regulatory aspects of the construction. Each seal issued by the department shall remain the property of the department and may be revoked by the department in the event of violation of the conditions of issuance. A fee of not more than sixty dollars less than forty nor more than eighty dollars per living unit, as determined by departmental regulation, shall be charged for each seal issued by the department. Inspection fees shall be paid for all departmental inspections of manufacturing plants located outside of the State of Nebraska. Such fees shall consist of a reimbursement by the manufacturer of actual departmental travel and inspection expenses only and shall be paid prior to any issuance of seals. All fees collected under sections 71-1555 to 71-1567 shall be paid into the state treasury and credited by the State Treasurer to the Manufactured Housing Cash Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering the provisions of sections 71-1555 to 71-1567.

Sec. 21. That section 71-2619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2619. (1) The Department of Health may by regulation establish fees to partially defray the costs of providing specimen containers, shipping outfits, and related supplies, and fees to partially defray the costs of certain laboratory examinations as requested by individuals, firms, corporations, or governmental agencies in the state. Such examinations shall include chemical or microbiological examinations of various categories of water samples. Fees established for examination of water to ascertain qualities for domestic, culinary, and associated uses shall not exceed the following amounts: (a) Each inorganic chemical assay, twelve five dollars, (b) each organic pollutant, twenty dollars, and (c) bacteriological examination to indicate sanitary quality as coliform density by membrane filter test, or equivalent test, ten five dollars.

(2) Combinations of different tests or groups of tests submitted together, as specified by regulation, may be offered at rates less than those set for individual tests as allowed in this section.

Fees for examinations of water from lakes, streams, impoundments, or similar sources, from wastewaters, or from ground water for industrial or agricultural purposes may be made at fees established therefor, but not to exceed one and one half times the limits for examination of domestic waters as provided in this section.

(3) Fees may be established for the examinations of certain categories of biological specimens to partially defray costs of testing, except that such fees shall not exceed fifteen dollars. Such fees may be charged for examinations pursuant to law or departmental regulation of:

(a) Any specimen submitted for chemical examination for assessment of health status or functional impairment;

(b) Any specimen submitted for microbiological examination which is not related to direct human contact with the microbiological agent; and

(c) A specimen submitted for microbiological examination or procedure by an individual, firm, corporation, or governmental unit other than the Department of Health.

(4) The department shall not charge fees for tests that include microbiological isolation and identification examination for the following:

(a) A contagious disease when the Department of Health is authorized by law or regulations to directly supervise the prevention, control, or surveillance of such contagious disease;

(b) Any emergency when the health of the people of any part of the state is menaced or exposed pursuant to section 71-502; and

(c) When adopting or enforcing special quarantine and sanitary regulations authorized by the department. Such categories shall not include any examination for a microbiological organism listed as incitant or causative of any disease subject to report or control measures pursuant to law or departmental regulation. No such fee shall exceed ten dollars.

(5) Fees for provision of certain classes of shipping outfits or specimen containers, when no charge is made for services, may be made as established by regulation to defray no more than the actual cost of materials, labor, and delivery. No such fee shall exceed five three dollars per unit.

(6) All fees collected pursuant to this section shall be deposited in the state treasury and credited to the Department of Health Cash Fund.

(4) No such fees shall ever apply to services and examinations provided in order to evaluate or monitor potable water supplies serving the public, except when such examinations exceed such standard frequency and number as established by regulations of the Department of Health.

Sec. 22. That section 71-2622, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2622. The Department of Health shall collect a fee of not less than sixty nor more than one hundred dollars, as determined by departmental regulation, forty-five dollars for each inspection of private water supply or private sewage disposal facilities requested of and made by the department in order for the person requesting the inspection to qualify for any type of commercial loan, guarantee, or other type of payment or benefit from any commercial agency or enterprise to the person applying for or receiving the same, or to meet the requirements of any federal governmental agency, including, but not limited to, the Farmers Home Administration, the Federal Housing Administration, and the United States Veterans' Administration, that such an inspection be conducted as a condition of applying for or receiving any type of grant, loan, guarantee, or other type of payment or benefit from such agency to the person applying for or receiving the same. All fees so collected shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund.

Sec. 23. That section 71-4305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4305. (1) The Department of Health shall make at least one inspection every year of each swimming pool to determine that such swimming pool complies with the minimum sanitary and safety requirements.

(2) The owner and operator of any swimming pool shall submit such operation and analytical records as may be requested at any time by the Department of Health to determine the sanitary and safety condition of the swimming pool.

(3) The Department of Health may charge the owners or operators of swimming pools an inspection fee for each inspection made under the provisions of this section or section 71-4306. Such fee shall be fifty dollars for inspection of Class A swimming pools and sixty forty dollars for Class B swimming pools. The distinction between Class A and Class B swimming pools shall be prescribed by regulation by the Department of Health. An additional one hundred dollar fee shall be charged for any second reinspection made of the same facility within six months from the date of the first

inspection.

(4) Individuals tested at swimming pool operator clinics conducted by the Department of Health shall be charged an examination fee of five dollars.

All fees collected under this section shall be deposited in the Department of Health Cash Fund. The Department of Health shall not charge a municipal corporation an inspection fee for an inspection of a swimming pool owned by such municipal corporation.

Sec. 24. That section 71-4604.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4604.01. (1) Every mobile home or recreational vehicle manufactured more than four months after May 27, 1975, which is sold, offered for sale, or leased in this state shall bear a seal issued by the department certifying that the body and frame design, construction, and the plumbing, heating, and electrical systems of such mobile home or recreational vehicle have been installed in compliance with the standards adopted by the department, applicable at the time of manufacture. The department shall issue the seal upon an inspection of the plans and specifications for the mobile home or recreational vehicle or upon an actual inspection of the mobile home or recreational vehicle during or after construction, if in compliance with the departmental standards. Each seal issued by the department shall remain the property of the department and may be revoked by the department in the event of a violation of the conditions of issuance.

(2) A fee of not less than ~~ten~~ fifteen dollars nor more than ~~twenty~~ thirty-five dollars, as determined by departmental regulation, shall be charged for each seal issued by the department. Inspection fees shall be paid for all departmental inspections of manufacturing plants located outside of the State of Nebraska. Such fees shall consist of a reimbursement by the manufacturer of actual departmental travel and inspection expenses only and shall be paid prior to any issuance of seals.

(3) The department shall charge each manufacturer a fee of seventy-five dollars for each inspection of any new recreational vehicle manufactured by such manufacturer and not bearing a seal issued by the State of Nebraska or some reciprocal state.

(4) ~~(3)~~ All fees collected pursuant to sections 71-4601 to 71-4620 shall be paid into the state treasury and credited by the State Treasurer to the Mobile Home and Recreational Vehicle Cash Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering sections 71-4601 to 71-4620.

Sec. 25. That section 71-4624, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4624. (1) The application for the first or initial annual license shall be submitted with the requirements mentioned in section 71-4623, accompanied by the following fees for the following categories of mobile home parks: (a) Those having facilities for less than four mobile homes, twenty dollars; (b) those having facilities for four to ten mobile homes, fifty dollars; (c) those having facilities for eleven to twenty mobile homes, seventy-five dollars; and (d) those having facilities for more than twenty mobile homes, one hundred dollars. a fee of not less than five dollars nor more than fifty dollars, as determined by regulations of the department, which regulations shall require different fees for the following categories of mobile home parks: (a) Those having facilities for only three or fewer mobile homes; (b) those having facilities for more than three but not more than twenty mobile homes; and (c) those having facilities for more than twenty mobile homes. The fee charged for each category shall be in relation to the number of facilities for mobile homes it contains, with the lower the number of facilities for mobile homes in a category the lower the fee for that category. Such license fees shall must be paid for each of the categories as a condition of annual renewal of licensure.

(2) All license fees collected by the department shall be paid into the state treasury and shall be credited by the State Treasurer to the Mobile Home Park Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering the provisions of sections 71-4621 to 71-4634.

(3) When any application is received, the department shall cause the mobile home park and appurtenances thereto to be inspected by representatives of the department. When such inspection has been made and the department finds that all of the provisions of sections 71-4621 to 71-4634 and the rules, regulations and standards of the department have been met by the applicant, the department shall issue an annual license. Inspection by the department or its authorized representatives at any time of a mobile home park is a condition of continued licensure.

Sec. 26. That section 81-2, 162.23, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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 registration 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 registration 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) Applicants for registrations shall make application to the department on forms furnished by the department. Application forms shall be submitted to the department accompanied by an annual registration fee of five fifteen dollars. Registrations shall be renewed on or before January 1 of each year.

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

(4) Registered persons distributing custom blended custom-blended products shall maintain records of purchase orders received for custom blended 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. 27. That section 81-2,174, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,174. Upon issuing a certificate to a beekeeper after an inspection as provided in sections 81-2,172, 81-2,173 and 81-2,175, the Department of Agriculture shall collect therefor a certificate fee, which fee shall consist of the a fixed amount of three dollars per colony, but not to exceed twenty-five dollars, three dollars and the actual expenses of the inspector, except PROVIDED that the payment of expenses shall not be required when the inspection is made in the course of the regular annual inspection. All fees shall be deposited in the state treasury and by the State Treasurer credited to the General Fund State Apiary Cash Fund which is hereby created.

Sec. 28. That section 84-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1209. The administrator may establish storage facilities for essential records, and preservation duplicates and other state records and may provide for a system of charges to allocate the cost of providing such storage among the agencies and departments utilizing the storage services. The system of charges shall, as nearly as may be practical, cover the actual costs of operating the storage facilities.

Sec. 29. That section 84-1226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1226. (1) There is hereby created a fund to be known as the Records Management Micrographics Services Revolving Fund. All charges received by the Secretary of State under section sections 84-1209 and 84-1225 and legislative appropriations shall be credited to such fund. Whenever any micrographics equipment of any state agency, except the University of Nebraska or the state colleges, shall become surplus property and shall be sold pursuant to section 81-161.04, the proceeds from the sale of such equipment shall be deposited in the state treasury and shall be credited by the State Treasurer to the Records Management Micrographics Services Revolving Fund. Expenditures shall be made from such fund to finance the micropublishing services and the computer output microfilm services by the Secretary of State or his or her authorized agent in accordance with appropriations made by the Legislature, and to receive and expend funds pursuant to section 84-1225 for the provision of source document microfilming and for procuring and replacing micrographic equipment provided to state agencies, and to receive and expend funds pursuant to section 84-1209 for the providing of records storage services for state agencies.

(2) By agreement between any state agency and the State Records Administrator, any state agency may be billed one full year's rental for equipment at the beginning of each fiscal year. The State Records Administrator may coordinate with the Director of Administrative Services to set up a separate subaccount within the fund for the purpose of accounting for micrographic equipment procurement and replacement.

Sec. 30. That section 89-187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

89-187. The director shall:

(1) Maintain traceability of the state standards to the National Bureau of Standards.

(2) Enforce the provisions of sections 89-183 to 89-1,103.

(3) Promulgate reasonable regulations for the enforcement of sections 89-183 to 89-1,103, including but not limited to the registration of weighing and measuring device repairmen, pit scale installation requirements, adoption of such additional standards as are not specifically provided for in sections 89-183 to 89-1,103, and such additional reasonable regulations regarding: (a) The varieties or kinds of devices, (b) attachments or parts entering into the construction or installation of weights and measures or weighing or

measuring appliances, which shall tend to secure correct results in the use of such appliances, and (c) the setting of laboratory fees for testing, correcting, calibrating, and verifying of standards of weights and measures and the establishment of standard laboratory operating procedures in accordance with the provisions of Chapter 84, article 9.

(4) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the presentation of cost per unit information for any packaged commodity.

(5) Upon a verified application filed with the department, upon forms furnished by the director, grant exemptions, including specific exemptions for single-use weighing and measuring devices, from the provisions of sections 89-183 to 89-1,103 or any regulations promulgated pursuant thereto, when such application shall provide assurances, acceptable to the director, that such exemption is appropriate to the maintenance of good commercial practices within the state. Notwithstanding any other provision of sections 89-183 to 89-1,103, all weighing and measuring devices used by public utilities and those weighing and measuring devices inspected or tested by the Public Service Commission shall be exempt from the registration, inspection, and testing requirements of sections 89-183 to 89-1,103; PROVIDED, any such exempt weighing and measuring device may be inspected or tested by the director upon request of the person owning such device.

(6) Conduct investigations to insure compliance with sections 89-183 to 89-1,103.

(7) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office.

(8) Test annually, and from time to time as in the director's judgment seems necessary, the standards of weight and measure used by any city or county within the state, and approve the same when found to be correct.

(9) Inspect and test weights and measures kept, offered, or exposed for sale.

(10) Inspect and test annually, and from time to time as in the director's judgment seems necessary, to ascertain if they are correct, weights and measures commercially used (a) in determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count, or (b) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count.

(11) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds

are appropriated by the Legislature of the state.

(12) Register and test annually all weighing and measuring devices used for the enforcement of the provisions of sections 39-6,180, 60-329, and 60-331.

(13) Approve for use, and may mark, such weights and measures as the director finds to be correct, and shall reject and mark as rejected such weights and measures as the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The director shall condemn and may seize weights and measures found to be incorrect that are not capable of being made correct.

(14) Weigh, measure, or inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with sections 89-183 to 89-1,103 or regulations promulgated pursuant thereto. In carrying out the provisions of this section, the director shall employ recognized sampling procedures such as are designated in National Bureau of Standards Handbook 67, entitled Checking Prepackaged Commodities.

(15) Prescribe, by regulation, the appropriate term or unit of weight or measure to be used, whenever the director determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or offers an opportunity for consumer confusion.

(16) Allow reasonable variations from the stated quantity of contents, which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce.

(17) On or before June 1 of each year, notify all persons who have registered any weighing or measuring device of the amount of fees which are due and that such fees shall be delinquent after July 1 of each year.

(18) Require, on or before July 1 of each year, all persons who maintain or have in their possession for use in commerce any weighing or measuring device to: (a) Register such device with the department upon forms furnished by the director; (b) pay to the department a registration fee of three two dollars per device; (c) pay inspection fees to the department in the following designated amounts:

Scales:

Dollars

Up to 35 pounds capacity	1-00
Over 35 to 600 pounds capacity	2-00
Over 600 to 4,000 pounds capacity	5-00
Over 4,000 to 20,000 pounds capacity	9-00
Over 20,000 to 50,000 pounds capacity	12-00
Over 50,000 to 75,000 pounds capacity	14-00
Over 75,000 pounds capacity	17-00
Measuregraphs	1-00

Vehicle Tanks:

Up to 300 gallons	4-00
Over 300 gallons to 500 gallons	5-00
Over 500 gallons to 1,000 gallons	6-50
Over 1,000 gallons to 2,000 gallons	8-00
Over 2,000 gallons to 3,000 gallons	9-00
Over 3,000 gallons to 4,000 gallons	12-00
Over 4,000 gallons to 6,000 gallons	14-00
Over 6,000 gallons	16-00

Pumps:

Petroleum pumps	1-00
Liquid petroleum gas pumps	4-00
Double Pumps or Blend Pumps	3-00

Meters:

Vehicle tank meters and bulk meters	4-00
Liquid petroleum gas meters	9-00
Liquid fertilizer meters	9-00
Liquid feed meters	9-00

Up to 35 pounds capacity	4.00
Multi-Unit Scales	33.00
Over 35 to 600 pounds capacity	6.00
Over 600 to 4,000 pounds capacity	9.00
Over 4,000 to 20,000 pounds capacity	13.00
Over 20,000 to 50,000 pounds capacity	21.00
Over 50,000 to 75,000 pounds capacity	23.00
Over 75,000 pounds capacity	28.00

Measuregraphs

Measuregraphs	3.00
<u>Pumps:</u>	
<u>Petroleum pumps</u>	<u>4.00</u>
<u>Liquid petroleum gas pumps</u>	<u>6.00</u>
<u>Double Pumps or Blend Pumps</u>	<u>7.00</u>

Meters:

<u>Vehicle tank meters and bulk meters</u>	<u>10.00</u>
<u>Liquid petroleum gas meters</u>	<u>18.00</u>
<u>Liquid fertilizer meters</u>	<u>21.00</u>
<u>Liquid feed meters</u>	<u>21.00</u>

High gallon petroleum pump 21.00;

and (d) pay a penalty, as may be required by the department, of up to twenty-five per cent per month of the fees for each month any such fees shall be delinquent. Penalties paid shall be in addition to the fees due. The department's decision regarding whether or not penalties shall be imposed, or the amount thereof, shall be based upon the existence and extent of any mitigating circumstances that have resulted in the

late payment of such fees.

Sec. 31. (1) Except as provided in subsection (2) of this section, this act shall become operative on July 1, 1983.

(2) Sections 3, 4, 6, 7, and 33 of this act shall become effective only upon the effective date of Legislative Bill 269, Eighty-eighth Legislature, First Session, 1983.

Sec. 32. That original sections 33-106.02, 54-820.01, 54-1165, 54-1704, 67-293, 71-604.01, 71-612, 71-623, 71-627, 71-628, 71-634, 71-1116, 71-1559, 71-2619, 71-2622, 71-4305, 71-4604.01, 71-4624, 81-2, 162.23, 81-2, 174, 84-1209, 84-1226, and 89-187, Reissue Revised Statutes of Nebraska, 1943, and section 54-1904, Revised Statutes Supplement, 1982, are repealed.

Sec. 33. That original sections 26-112, 33-106, 33-123, and 33-124, Revised Statutes Supplement, 1982, are repealed.

Sec. 34. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.