

LEGISLATIVE BILL 534

Approved by the Governor February 15, 2000

Introduced by Kristensen, 37

AN ACT relating to state publications; to amend sections 49-501.01, 49-503, 49-507, 49-509, 49-509.01, 84-1205.02, and 85-177, Reissue Revised Statutes of Nebraska, and section 49-506, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to publication and distribution of session laws and the journal of the Legislature; to harmonize provisions; to repeal the original sections; to outright repeal section 49-508.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 49-501.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-501.01. The session laws and journal of the Legislature shall be compiled and published by the Clerk of the Legislature after each regular session of the Legislature. The session laws and journal may be published in print or electronic format or in both formats. The session laws in suitably bound volumes. ~~Said publication shall contain all the laws passed by the preceding session as well as those passed during any special session since the last regular session. The clerk shall distribute two copies of the session laws and journal to each person who was a member of the Legislature by which the laws were enacted. The clerk shall provide the session laws and journals to the Secretary of State for distribution pursuant to sections 49-501 to 49-509.01. The session laws shall be assembled so as to make possible their earliest publication.~~

Sec. 2. Section 49-503, Reissue Revised Statutes of Nebraska, is amended to read:

49-503. The county clerk of each county shall make a requisition upon the Secretary of State for copies of the session laws and the journal of the Legislature for the use of the county of which he or she is clerk. The county clerk shall make the requisition for session laws based on the classification of the county by population as provided in section 23-1114.01. A Class 1 county may request a maximum of three sets, a Class 2 county may request a maximum of five sets, a Class 3 county may request a maximum of seven sets, a Class 4 county may request a maximum of ten sets, a Class 5 county may request a maximum of twelve sets, a Class 6 county may request a maximum of twenty sets, and a Class 7 county may request a maximum of twenty-five sets. The county clerk shall make a requisition for less than the maximum amount authorized if he or she finds that a lesser amount is sufficient for the needs of the county. The county clerk shall make a requisition for one copy of the journal of the Legislature. The Secretary of State shall forward the session laws and journal to each county by the most expeditious and economic means and in print or electronic format as he or she determines, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council.

Sec. 3. Section 49-506, Revised Statutes Supplement, 1999, is amended to read:

49-506. After the Secretary of State has made the distribution provided by section 49-503, he or she shall deliver additional copies of the session laws and the journal of the Legislature pursuant to this section in print or electronic format as he or she determines, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council.

One copy of the session laws shall be delivered to the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the State Fire Marshal, the Department of Administrative Services, the Department of Aeronautics, the Department of Agriculture, the Department of Banking and Finance, the State Department of Education, the Department of Environmental Quality, the Department of Insurance, the Department of Labor, the Department of Motor Vehicles, the Department of Property Assessment and Taxation, the Department of Revenue, the Department of Roads, the Department of Veterans' Affairs, the Department of Water Resources, the Military Department, the Nebraska State Patrol, the Nebraska Commission on Law Enforcement and Criminal Justice, each of the Nebraska state colleges, the Game and Parks Commission, the Nebraska Library Commission, the Nebraska Liquor Control Commission, the

Nebraska Natural Resources Commission, the Nebraska Accountability and Disclosure Commission, the Public Service Commission, the State Real Estate Commission, the Nebraska State Historical Society, the Public Employees Retirement Board, the Risk Manager, the Legislative Fiscal Analyst, the Public Counsel, the materiel division of the Department of Administrative Services, the State Records Administrator, the budget division of the Department of Administrative Services, the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, the Department of Health and Human Services Finance and Support, the Tax Equalization and Review Commission, the inmate library at all state penal and correctional institutions, and the Library of Congress; two copies to the Governor, the Secretary of State, the Nebraska Workers' Compensation Court, the Commission of Industrial Relations, and the Coordinating Commission for Postsecondary Education, one of which shall be for use by the community colleges; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney General; ~~eight copies to the Clerk of the Legislature~~; nine copies to the Revisor of Statutes; sixteen copies to the Supreme Court and the Legislative Council; and thirty-five copies to the University of Nebraska College of Law.

One copy of the journal of the Legislature shall be delivered to the Governor, the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of the Supreme Court and Court of Appeals, the State Court Administrator, the Nebraska State Historical Society, the Legislative Fiscal Analyst, the Tax Equalization and Review Commission, and the Library of Congress; two copies to the Secretary of State, the Commission of Industrial Relations, and the Nebraska Workers' Compensation Court; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney General and the Revisor of Statutes; eight copies to the Clerk of the Legislature; thirteen copies to the Supreme Court and the Legislative Council; and thirty-five copies to the University of Nebraska College of Law. The remaining copies shall be delivered to the State Librarian who shall use the same, so far as required for exchange purposes, in building up the State Library and in the manner specified in sections 49-507 to 49-509.

Sec. 4. Section 49-507, Reissue Revised Statutes of Nebraska, is amended to read:

49-507. The State Librarian or his or her designee shall issue one copy each of the session laws and journals to the United States District Attorney, United States Marshal, the register and receiver of the United States land offices in the state, and ~~to~~ each United States Commissioner residing in the state. The State Librarian shall determine whether the copies issued are in print or a reasonably available electronic format, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council.

Sec. 5. Section 49-509, Reissue Revised Statutes of Nebraska, is amended to read:

49-509. Any remaining copies of the session laws and journals in the hands of the State Librarian shall be sold by the Supreme Court at a price of fifteen dollars for bound print copies of the session laws and forty dollars for bound print copies of the journal, except that after two years have elapsed from the date of publication, the court may sell any bound print copies of the session laws and journals at a price of twenty-five cents per volume. Any remaining copies of the session laws and journals in electronic format shall be sold by the Supreme Court at a price not to exceed the amount necessary to recover the cost of production, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council.

The proceeds shall be ~~turned into~~ remitted to the General Fund. ~~of the state treasury.~~ When there is no longer a demand for session laws and journals over two years old, the Supreme Court may dispose of such session laws and journals in such manner as it deems proper.

Sec. 6. Section 49-509.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-509.01. The Clerk of the Legislature is hereby authorized and directed to sell unbound print copies of the session laws and unbound print copies of the daily journal of each legislative session at such price as shall be prescribed by the Executive Board of the Legislative Council, which price shall not exceed the amount necessary to recover costs. For the unbound print journal and laws of a special session, when published separately from that of a regular session, the price shall be as recommended by the Clerk of the Legislature and approved by the Executive Board of the Legislative Council.

Sec. 7. Section 84-1205.02, Reissue Revised Statutes of Nebraska, is amended to read:

84-1205.02. (1) Until July 1, 2001, except as provided in sections 49-509, 52-1316, and 60-483 and section 9-411, Uniform Commercial Code, the board may establish reasonable fees for electronic access to public records through the gateway.

(2) Beginning on July 1, 2001, except ~~Except~~ as provided in sections 49-509, 52-1316, and 60-483 and article 9, Uniform Commercial Code, the board may establish reasonable fees for electronic access to public records through the gateway.

(3) The fees shall not exceed the statutory fee for distribution of the public records in other forms. Any fee established by the board under this section may be collected for an eighteen-month period and shall terminate at the end of such period unless enacted by the Legislature. Any fees collected under this section shall be deposited in the Records Management Cash Fund.

Sec. 8. Section 85-177, Reissue Revised Statutes of Nebraska, is amended to read:

85-177. In order to enable the library of the College of Law to augment its collections, the librarian of the College of Law of the University of Nebraska is authorized to requisition from the respective officer having custody thereof up to one hundred copies of the following state publications: Nebraska Reports, Nebraska Appellate Reports, Legislative Journals, Session Laws, replacement volumes and supplements to the Revised Statutes, and Opinions of the Attorney General. The copies of the Legislative Journals and Session Laws may be provided in print or electronic format as the Secretary of State determines, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council.

Sec. 9. Original sections 49-501.01, 49-503, 49-507, 49-509, 49-509.01, 84-1205.02, and 85-177, Reissue Revised Statutes of Nebraska, and section 49-506, Revised Statutes Supplement, 1999, are repealed.

Sec. 10. The following section is outright repealed: Section 49-508.01, Reissue Revised Statutes of Nebraska.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.