

LEGISLATURE OF NEBRASKA
 NINETY-EIGHTH LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 187
 FINAL READING

Introduced by Baker, 44

Read first time January 10, 2003

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to transportation and telecommunications; to
 2 amend sections 14-115, 14-116, 15-901, 18-2432, 39-1311,
 3 39-1311.01 to 39-1311.04, 70-604.06, 70-1016, 75-116,
 4 75-121, 75-305, 75-1008, and 88-529, Reissue Revised
 5 Statutes of Nebraska, and sections 16-902, 17-1002,
 6 75-117, 75-122.01, 75-128, 75-132.01, 75-134, 75-136,
 7 75-156, 75-903, 86-123, 86-158, 86-313, 86-442, 86-457,
 8 and 86-578, Revised Statutes Supplement, 2002; to require
 9 subdivision plat reviews within highway corridors as
 10 prescribed; to change and eliminate appeal provisions for
 11 the Nebraska Power Review Board and the Public Service
 12 Commission to conform to the Administrative Procedure
 13 Act; to provide and change fees and the disposition of
 14 fees; to authorize civil penalties for violations of the
 15 Enhanced Wireless 911 Services Act; to change provisions
 16 relating to surcharge hearings under the

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1 Telecommunications Relay System Act; to harmonize
2 provisions; to provide operative dates; to repeal the
3 original sections; and to outright repeal section 75-138,
4 Reissue Revised Statutes of Nebraska, and sections
5 75-136.01 and 75-137, Revised Statutes Supplement, 2002.

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

1 Section 1. Section 14-115, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-115. No owner of real estate within the corporate
4 limits of such city shall be permitted to subdivide ~~said~~ the real
5 estate into blocks and lots, or parcels, without ~~having~~ first
6 having obtained from the city engineer a plat or plan for the
7 avenues, streets, and alleys to be laid out within or across the
8 same and, when applicable, having complied with sections 39-1311 to
9 39-1311.05. A copy of such plat must be filed in the office of the
10 city clerk for at least two weeks before such plat can be approved.
11 Public notice must be given for two weeks of the filing of ~~said~~ the
12 plat, and such plat, if ordered by the council, shall be made so
13 that such avenues, streets, and alleys so far as practicable, shall
14 correspond in width, name, and direction and be continuous of the
15 avenues, streets, and alleys in the city contiguous to or near the
16 real estate to be subdivided. ~~as aforesaid~~. The council shall
17 have power to compel the owner of such real estate, in subdividing
18 the same, to lay out and dedicate to the public the avenues,
19 streets, and alleys, to be within or across such real estate in
20 accordance with ~~said~~ the plat. It shall further have the power to
21 prohibit the selling or offering for sale, of any lots or parts of
22 such real estate not subdivided and platted as herein required. It
23 shall also have power to establish the grade of all such streets
24 and alleys and to require the same to be graded to such established
25 grade before selling or offering for sale any of ~~said~~ the lots or
26 parts of ~~said~~ the real estate. Any and all additions to be made to
27 the city shall be made so far as the same relates to the avenues,
28 streets, and alleys therein, under and in accordance with the

1 foregoing provisions. Whenever the owners of all the lots and
2 lands, except streets and alleys, embraced and included in any
3 existing plat or subdivision shall desire to vacate ~~said~~ the plat
4 or subdivision for the purpose of replatting the land embraced in
5 ~~said~~ the plat or subdivision, and shall present a petition praying
6 for such vacation to the city council, and submit therewith for the
7 approval of the city council a proposed replat of the same, which
8 shall in all things be in conformity with the requirements of this
9 section, the city council may, by concurrent resolution, declare
10 the existing plat and the streets and alleys therein vacated and
11 approve ~~said~~ the proposed replat. Thereupon the existing plat or
12 subdivision shall be vacated and the land comprised within the
13 streets and alleys so vacated shall revert to and the title thereto
14 vest in the owners of the abutting property and become a part of
15 such property, each owner taking title to the centerline of the
16 vacated street or alley adjacent to his or her property. When +
17 ~~PROVIDED, that when~~ a portion of a street or alley is vacated only
18 on one side of the center thereof, the title to such land shall
19 vest in the owner of the abutting property and become a part of
20 such property. It + AND PROVIDED FURTHER, it shall require a
21 two-thirds vote of all the members of the city council to adopt
22 such resolution. Upon the vacation of any plat as aforesaid, it
23 shall be the duty of the owners petitioning for same to cause to be
24 recorded in the office of the register of deeds and county assessor
25 of the county a duly certified copy of the petition, the action of
26 the council therein, and the resolution vacating ~~said~~ the plat.

27 Sec. 2. Section 14-116, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 14-116. No owner of any real estate located in an area
2 which is within three miles of the corporate limits of any city of
3 the metropolitan class, when such real estate is located in any
4 county in which a city of the metropolitan class is located, and is
5 outside of any organized city or village, shall be permitted to
6 subdivide, plat, or lay out ~~said~~ the real estate in building lots
7 and streets or other portions of the same intended to be dedicated
8 for public use or for the use of the purchasers or owners of lots
9 fronting thereon or adjacent thereto without first having obtained
10 the approval thereof by the city council of such city and, when
11 applicable, having complied with sections 39-1311 to 39-1311.05.
12 No ~~and no~~ plat of such real estate shall be recorded in the office
13 of the register of deeds or have any force or effect unless the
14 same shall have been first approved by the city council of such
15 city. Such city shall have authority within ~~the~~ such area ~~above~~
16 ~~described~~ to regulate the subdivision of land for the purpose,
17 whether immediate or future, of transfer of ownership or building
18 development; to prescribe standards for laying out subdivisions in
19 harmony with a comprehensive plan; to require the installation of
20 improvements by the owner or by the creation of public improvement
21 districts; by requiring a good and sufficient bond guaranteeing
22 installation of such improvement, or by requiring the execution of
23 a contract with the city insuring the installation of such
24 improvements; and to require the dedication of land for adequate
25 streets, drainage ways, and easements for sewers and utilities.
26 All such requirements for improvements shall operate uniformly
27 throughout the area of jurisdiction of ~~said~~ such city. ~~Subdivision~~
28 For purposes of this section, subdivision shall mean the division

1 of a lot, tract, or parcel of land into two or more lots, blocks,
2 or other divisions of lands for the purpose, whether immediate or
3 future, of ownership or building developments except that the
4 division of land shall not be considered to be subdivision when the
5 smallest parcel created is more than ten acres in size. The city
6 council of any such city may withhold approval of a plat until the
7 appropriate department of the city has certified that the
8 improvements required by ordinance have been satisfactorily
9 installed or until a sufficient bond guaranteeing installation of
10 the improvements has been posted with the city or until public
11 improvement districts have been created or until a contract has
12 been executed insuring the installation of such improvements.

13 Sec. 3. Section 15-901, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 15-901. No owner of real estate located in any city of
16 the primary class or within three miles of the corporate limits of
17 any city of the primary class, when such real estate is located in
18 the same county as the city and outside of any organized city or
19 village, shall be permitted to subdivide, plat, or lay out the real
20 estate in building lots and streets, or other portions of the same
21 intended to be dedicated for public use or for the use of the
22 purchasers or owners of lots fronting thereon or adjacent thereto,
23 without first having obtained approval by the city planning
24 commission and, when applicable, having complied with sections
25 39-1311 to 39-1311.05. No plat or subdivision of such real estate
26 shall be recorded in the office of the register of deeds or have
27 any force or effect unless the same is approved by the city
28 planning commission. A city of the primary class shall have

1 authority within the area to regulate the subdivision of land for
2 the purpose, whether immediate or future, of transferring ownership
3 or building development, except that the city shall have no power
4 to regulate subdivision in those instances where the smallest
5 parcel created is more than ten acres in area. A city of the
6 primary class shall have authority within the area to prescribe
7 standards for laying out subdivisions in harmony with the
8 comprehensive plan; to require the installation of improvements by
9 the owner, by the creation of public improvement districts, or by
10 requiring a good and sufficient bond guaranteeing installation of
11 such improvements; and to require the dedication of land for public
12 purposes.

13 For purposes of this section, subdivision shall mean the
14 division of a lot, tract, or parcel of land into two or more lots,
15 sites, or other divisions of land for the purpose, whether
16 immediate or future, of ownership or building development, except
17 that the division of land shall not be considered to be subdivision
18 when the smallest parcel created is more than ten acres in area.

19 Subdivision plats shall be approved by the city planning
20 commission on recommendation by the city planning director and
21 public works and utilities department. The city planning
22 commission may withhold approval of a plat until the public works
23 and utilities department has certified that the improvements
24 required by the regulations have been satisfactorily installed,
25 until a sufficient bond guaranteeing installation of the
26 improvements has been posted, or until public improvement districts
27 are created. The city council may provide procedures in land
28 subdivision regulations for appeal by any person aggrieved by any

1 action of the city planning commission or city planning director on
2 any plat.

3 Sec. 4. Section 16-902, Revised Statutes Supplement,
4 2002, is amended to read:

5 16-902. (1) Except as provided in section 13-327, a city
6 of the first class may designate by ordinance the portion of the
7 territory located within two miles of the corporate limits of the
8 city and outside of any other organized city or village within
9 which the designating city will exercise the powers and duties
10 granted by sections 16-902 to 16-904.

11 (2) No owner of any real property located within the area
12 designated by a city pursuant to subsection (1) of this section or
13 section 13-327 may subdivide, plat, or lay out such real property
14 in building lots, streets, or other portions of the same intended
15 to be dedicated for public use or for the use of the purchasers or
16 owners of lots fronting thereon or adjacent thereto without first
17 having obtained the approval of the city council of such city or
18 its agent designated pursuant to section 19-916 and, when
19 applicable, having complied with sections 39-1311 to 39-1311.05.

20 The fact that such real property is located in a different county
21 or counties than some or all portions of the city shall not be
22 construed as affecting the necessity of obtaining the approval of
23 the city council of such city or its designated agent.

24 (3) In counties that (a) have adopted a comprehensive
25 development plan which meets the requirements of section 23-114.02
26 and (b) are enforcing subdivision regulations, the county planning
27 commission shall be provided with all available materials on any
28 proposed subdivision plat, contemplating public streets or

1 improvements, which is filed with a municipality in that county,
2 when such proposed plat lies partially or totally within the
3 extraterritorial subdivision jurisdiction being exercised by that
4 municipality in such county. The commission shall be given four
5 weeks to officially comment on the appropriateness of the design
6 and improvements proposed in the plat. The review period for the
7 commission shall run concurrently with subdivision review
8 activities of the municipality after the commission receives all
9 available material for a proposed subdivision plat.

10 Sec. 5. Section 17-1002, Revised Statutes Supplement,
11 2002, is amended to read:

12 17-1002. (1) Except as provided in section 13-327, any
13 city of the second class or village may designate by ordinance the
14 portion of the territory located within one mile of the corporate
15 limits of such city or village and outside of any other organized
16 city or village within which the designating city or village will
17 exercise the powers and duties granted by this section and section
18 17-1003 or section 19-2402.

19 (2) No owner of any real property located within the area
20 designated by a city or village pursuant to subsection (1) of this
21 section may subdivide, plat, or lay out such real property in
22 building lots, streets, or other portions of the same intended to
23 be dedicated for public use or for the use of the purchasers or
24 owners of lots fronting thereon or adjacent thereto without first
25 having obtained the approval of the city council or board of
26 trustees of such municipality or its agent designated pursuant to
27 section 19-916 and, when applicable, having complied with sections
28 39-1311 to 39-1311.05. The fact that such real property is located

1 in a different county or counties than some or all portions of the
2 municipality shall not be construed as affecting the necessity of
3 obtaining the approval of the city council or board of trustees of
4 such municipality or its designated agent.

5 (3) No plat of such real property shall be recorded or
6 have any force or effect unless approved by the city council or
7 board of trustees of such municipality or its designated agent.

8 (4) In counties that have adopted a comprehensive
9 development plan which meets the requirements of section 23-114.02
10 and are enforcing subdivision regulations, the county planning
11 commission shall be provided with all available materials on any
12 proposed subdivision plat, contemplating public streets or
13 improvements, which is filed with a municipality in that county,
14 when such proposed plat lies partially or totally within the
15 extraterritorial subdivision jurisdiction being exercised by that
16 municipality in such county. The commission shall be given four
17 weeks to officially comment on the appropriateness of the design
18 and improvements proposed in the plat. The review period for the
19 commission shall run concurrently with subdivision review
20 activities of the municipality after the commission receives all
21 available material for a proposed subdivision plat.

22 Sec. 6. Section 18-2432, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 18-2432. An appeal of any final action ~~taken by~~ of the
25 Nebraska Power Review Board pursuant to the Municipal Cooperative
26 Financing Act may be taken to the Court of Appeals. Such in the
27 ~~same manner as appeals are taken from decisions of the Public~~
28 ~~Service Commission~~ appeal shall be in accordance with rules

1 provided by law for appeals in civil cases.

2 Sec. 7. Section 39-1311, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-1311. (1) The Department of Roads at all times shall
5 maintain a current map of the state, which shall show all the
6 roads, highways, and connecting links which have been designated,
7 located, created, or constituted as part of the state highway
8 system, including all corridors. All changes in designation or
9 location of highways constituting the state highway system, or
10 additions thereto, shall be indicated upon the map. The department
11 shall also maintain six separate and additional maps. These maps
12 shall include (a) the roads, highways, and streets designated as
13 federal-aid primary roads as of March 27, 1972, (b) the National
14 System of Interstate and Defense Highways, (c) the roads designated
15 as the federal-aid primary system as it existed on June 1, 1991,
16 (d) the National Highway System, (e) the Highway Beautification
17 Control System as defined in section 39-201.01, and (f) scenic
18 byways as defined in section 39-201.01. The National Highway
19 System is the system designated as such under the federal
20 Intermodal Surface Transportation Efficiency Act. The maps shall
21 be available at all times for public inspection at the offices of
22 the Director-State Engineer and shall be filed with the Legislature
23 of the State of Nebraska each biennium.

24 (2) Whenever the department has received a corridor
25 location approval for a proposed state highway to be located in any
26 county or municipality, it shall prepare a map of such corridor
27 sufficient to show the location of such corridor on each parcel of
28 land to be traversed. If the county or municipality in which such

1 corridor is located does not have a requirement for the review and
2 approval of a preliminary subdivision plat or a requirement that a
3 building permit be obtained prior to commencement of a structure,
4 the department shall send notice of the approval of such corridor
5 by certified mail to the owner of each parcel traversed by the
6 corridor at the address shown for such owner on the county tax
7 records. Such notice shall advise the owner of the requirement of
8 sections 39-1311 to 39-1311.05 for preliminary subdivision plats
9 and for building permits.

10 Sec. 8. Section 39-1311.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-1311.01. The department shall transmit a copy of the
13 map required by subsection (2) of section 39-1311 to the officer
14 responsible for review of preliminary subdivision plats and to the
15 officer responsible for issuance of building permits or, if
16 subdivision plats or building permits are not required in the
17 county or municipality, to the county clerk of the county in which
18 the corridor is located.

19 Sec. 9. Section 39-1311.02, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-1311.02. (1) A review of a preliminary subdivision
22 plat shall be required for all proposals to subdivide land or to
23 make public or private improvements on all land within an approved
24 corridor.

25 (2) A building permit shall be required for all
26 structures within an approved corridor if the actual cost of the
27 structure exceeds one thousand dollars. Structures include, but
28 are not limited to, any construction or improvement to land such as

1 public or private streets, sidewalks, and utilities; golf course
2 tee boxes, fairways, or greens; drainage facilities; storm water
3 detention areas; mitigation sites; green space; landscaped areas;
4 or other similar uses. Any application for a building permit shall
5 include a plat drawn by a person licensed as a professional
6 engineer or architect under the Engineers and Architects Regulation
7 Act or registered as a land surveyor as provided in sections
8 81-8,108 to 81-8,127 showing the location of all existing and
9 proposed structures in the area subject to corridor protection.

10 Sec. 10. Section 39-1311.03, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-1311.03. (1) Upon the filing of a request for a
13 review of a proposed subdivision plat on a parcel located within a
14 corridor, the officer responsible for reviewing subdivision plats
15 or, if the review of a subdivision plat is required only by virtue
16 of sections 39-1311 to 39-1311.05, the county clerk shall give the
17 department notice of the filing of a request for a review of a
18 preliminary subdivision plat. The officer responsible for review
19 of subdivision plats shall not approve or forward for approval a
20 subdivision plat for a period of sixty days from the date of
21 mailing notice of the filing of the request with the department
22 unless the department waives in writing the time period. Within
23 the sixty-day period, the department may if it wishes file with
24 such officer a statement of intent to negotiate with the owner of
25 the land involved. Upon the filing of such statement of intent,
26 the department shall be allowed six months for negotiations with
27 the landowner. At the end of such six-month period, if the
28 landowner has not withdrawn his or her request for review of a

1 subdivision plat, the officer responsible for review of subdivision
2 plats shall proceed with consideration of such preliminary plat if
3 it meets all other applicable codes, ordinances, and laws.

4 (2) Upon the filing of a request for a building permit on
5 a parcel located within a corridor, the officer responsible for
6 issuance of building permits or, if a building permit is required
7 only by virtue of sections 39-1311 to 39-1311.05, the county clerk
8 shall give the department notice of the filing of the request for a
9 building permit. The officer responsible for issuance of building
10 permits shall not issue a permit for a period of sixty days from
11 the date of mailing notice of the filing of the request with the
12 department unless the department waives in writing the time period.
13 Within the sixty-day period, the department may if it wishes file
14 with such officer a statement of intent to negotiate with the owner
15 of the land involved. Upon the filing of such statement of intent,
16 the department shall be allowed six months for negotiations with
17 the landowner. At the end of such six-month period, if the
18 landowner has not withdrawn his or her application for a permit, it
19 shall be issued if it meets all other applicable codes, ordinances,
20 and laws.

21 Sec. 11. Section 39-1311.04, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 39-1311.04. When an officer is not now authorized to
24 issue building permits, the county clerk shall be authorized to
25 review and approve subdivision plats or issue building permits
26 required by the provisions of sections 39-1311 to 39-1311.05.

27 Sec. 12. Section 70-604.06, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 70-604.06. An appeal may be taken to the Court of
2 ~~Appeals from~~ of any final action of the Nebraska Power Review Board
3 ~~in the same manner as appeals are taken from decisions of the~~
4 ~~Public Service Commission~~ may be taken to the Court of Appeals.
5 Such appeal shall be in accordance with the rules provided by law
6 for appeals in civil cases.

7 Sec. 13. Section 70-1016, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 70-1016. An appeal may be taken to the Court of Appeals
10 ~~from~~ of any final action of the board ~~in the same manner as appeals~~
11 ~~are taken from decisions of the Public Service Commission~~ may be
12 taken to the Court of Appeals. Such appeal shall be in accordance
13 with rules provided by law for appeals in civil cases.

14 Sec. 14. Section 75-116, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 75-116. Each regulated motor carrier as defined in
17 section 75-302 or common carrier required to furnish an annual
18 report with a federal regulatory agency shall file a copy of the
19 report with the commission on or before the date on which such
20 report is filed with such agency. Each such carrier not required
21 to file an annual report with a federal regulatory agency may be
22 required to file an annual report with the commission in the form
23 prescribed by the commission on or before April 30 of each year.
24 Each carrier which files an annual report or a copy of an annual
25 report under this section shall submit a fee of twenty-five dollars
26 with the filing. The commission shall remit the fees received to
27 the State Treasurer for credit to the General Fund.

28 Sec. 15. Section 75-117, Revised Statutes Supplement,

1 2002, is amended to read:

2 75-117. Any motor carrier or regulated motor carrier as
3 defined in section 75-302 or common carrier which fails, neglects,
4 or refuses to comply with any order of the commission shall be
5 guilty of a Class IV misdemeanor. Each day during which such
6 failure, neglect, or refusal continues shall constitute a separate
7 offense. If a motion is filed for reconsideration or to set aside
8 the order, ~~or if the order is appealed,~~ the carrier shall not be
9 subject to such penalty during the pendency of such motion. ~~or~~
10 ~~such appeal.~~

11 Sec. 16. Section 75-121, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 75-121. To prevent interstate rate wars and injury to
14 any common carrier or other person or in case of any other
15 emergency to be judged by the commission, the commission shall
16 temporarily alter, amend, or suspend any existing rates in force in
17 respect to any common carrier or fix any such rates if none exist.
18 The order prescribing an emergency rate shall describe the
19 emergency and may be entered and made effective immediately.
20 Within five days after the effective date of such order, notice of
21 the rate shall be given to the common carriers affected in
22 accordance with the commission's rules for notice. If an affected
23 common carrier or other interested person files a protest to the
24 granting of such rate within fifteen days after notice has been
25 given, the commission shall notify the rate applicant and the
26 protestant, hold a hearing, and issue an order within thirty days
27 after the expiration of the time to file a protest. Emergency rate
28 orders shall be subject to the provisions of section 75-139 and

1 subject to review as provided in ~~sections~~ section 75-136. ~~and~~
2 ~~75-137.~~

3 Sec. 17. Section 75-128, Revised Statutes Supplement,
4 2002, is amended to read:

5 75-128. (1) It is hereby declared to be the policy of
6 the Legislature that all matters presented to the commission be
7 heard and determined without delay. All matters requiring a
8 hearing shall be set for hearing at the earliest practicable date
9 and in no event, except for good cause shown, which showing shall
10 be recited in the order, shall the time fixed for hearing be more
11 than six months after the date of filing of the application,
12 complaint, or petition on which such hearing is to be had. Except
13 in case of an emergency and upon a motion to proceed with less than
14 a quorum made by all parties and supported by a showing of clear
15 and convincing evidence of such emergency and benefit to all
16 parties, a quorum of the commission shall hear all matters set for
17 hearing. Except as otherwise provided in section 75-121 and except
18 for good cause shown, a decision of the commission shall be made
19 and filed within thirty days after completion of the hearing or
20 after submission of affidavits in nonhearing proceedings.

21 (2) In the case of any proceeding upon which a hearing is
22 held, the transcript of testimony shall be prepared and submitted
23 to the commission prior to entry of an order, except that it shall
24 not be necessary to have prepared prior to a commission decision
25 the transcripts of testimony on hearings involving noncontested
26 proceedings and hearings involving emergency rate applications
27 under section 75-121.

28 (3) For each application, complaint, or petition filed

1 with the commission, except those filed under sections ~~75-301 to~~
 2 ~~75-322, there shall be charged~~ 75-303.01 and 75-303.02, the
 3 commission shall charge a filing fee to be determined by the
 4 commission, but in an amount not to exceed the sum of ~~fifty five~~
 5 hundred dollars, payable at the time of such filing. ~~There shall~~
 6 ~~also be charged~~ The commission shall also charge to persons
 7 regulated by the commission a hearing fee ~~of fifty dollars to be~~
 8 determined by the commission, but in an amount not to exceed the
 9 sum of two hundred fifty dollars, for each half day of hearings if
 10 the person regulated by the commission files an application,
 11 complaint, or petition which necessitates a hearing.

12 (4) For each new tariff filed with the commission, except
 13 those filed under sections 75-301 to 75-322, the commission shall
 14 charge a fee not to exceed fifty dollars. This subsection does not
 15 apply to amendments to existing tariffs.

16 (5) The commission shall remit the fees received to the
 17 State Treasurer for credit to the General Fund.

18 Sec. 18. Section 75-132.01, Revised Statutes Supplement,
 19 2002, is amended to read:

20 75-132.01. (1) Notwithstanding the provisions of section
 21 75-131, the commission shall have exclusive original jurisdiction
 22 over any action concerning a violation of any provision of (a) the
 23 Automatic Dialing-Announcing Devices Act, the Emergency Telephone
 24 Communications Systems Act, the Enhanced Wireless 911 Services Act,
 25 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
 26 Telecommunications Regulation Act, the Nebraska Telecommunications
 27 Universal Service Fund Act, the Telecommunications Relay System
 28 Act, or the Telephone Consumer Slamming Prevention Act by any

1 person providing telecommunications service for a fee in Nebraska
2 intrastate commerce pursuant to such acts or (b) sections 86-574 to
3 86-578 by an agency or political subdivision of the state.

4 (2) After all administrative remedies before the
5 commission have been exhausted, any interested party to an action
6 may appeal in accordance with the Administrative Procedure Act.

7 ~~(3)~~ If the commission enters an order declining
8 jurisdiction under subsection (1) of this section, any interested
9 person may petition the district court of the county in which such
10 alleged violation has occurred. If it appears to the court, after
11 a hearing, that a provision of such acts or sections has been
12 violated, the court may issue an injunction or other proper process
13 to restrain the telecommunications company and its directors,
14 officers, employees, or agents or the agency or political
15 subdivision of the state from continuing such violation and may
16 order additional relief. Any party to the case shall have the
17 right to appeal the decision of the district court to the Court of
18 Appeals under the rules provided by law for appeals in civil cases.

19 Sec. 19. Section 75-134, Revised Statutes Supplement,
20 2002, is amended to read:

21 75-134. (1) A commission order entered after a hearing
22 shall be written and shall recite (a) a discussion of the facts of
23 a basic or underlying nature, (b) the ultimate facts, and (c) the
24 commission's reasoning or other authority relied upon by the
25 commission.

26 (2) Every order of the commission shall become effective
27 ten days after the date of the mailing of a copy of the order to
28 the parties of record except (a) when the commission prescribes a

1 later effective date, (b) as otherwise provided in section 75-121
2 or 75-139, (c) as otherwise provided for cease and desist orders
3 issued pursuant to section 75-133, or (d) for orders entered
4 pursuant to section 75-319 which shall be effective on the date of
5 entry.

6 (3) Except as otherwise provided in this section or for
7 rate orders provided for in section 75-139, any appeal of a
8 commission order shall not stay enforcement of such order unless
9 otherwise ordered under subsection (3) of section 84-917. ~~if one~~
10 ~~of the parties of record commences an appeal pursuant to section~~
11 ~~75-137, the order appealed shall be in abeyance until the Court of~~
12 ~~Appeals or Supreme Court issues its mandate. Nothing in this~~
13 ~~section shall hold in abeyance an order authorizing the issuance of~~
14 ~~a certificate or permit, an order denying relief or authority, or~~
15 ~~an order entered pursuant to section 75-319.~~

16 (4) ~~If a party of record to a telecommunications order~~
17 ~~commences an appeal in accordance with the Administrative Procedure~~
18 ~~Act, the order appealed shall become effective on the date~~
19 ~~prescribed in subsection (2) of this section and remain in effect~~
20 ~~unless upon application (a) the commission or district court issues~~
21 ~~an order staying the underlying commission order or (b) the~~
22 ~~commission, district court, Court of Appeals, or Supreme Court~~
23 ~~issues an order reversing or modifying the underlying commission~~
24 ~~order. For purposes of this subsection, telecommunications order~~
25 ~~means an order entered by the commission pursuant to the Automatic~~
26 ~~Dialing-Announcing Devices Act, the Emergency Telephone~~
27 ~~Communications Systems Act, the Intrastate Pay Per Call Regulation~~
28 ~~Act, the Nebraska Telecommunications Regulation Act, the Nebraska~~

1 ~~Telecommunications Universal Service Fund Act, the~~
 2 ~~Telecommunications Relay System Act, or section 86-125.~~

3 ~~(5) The commission or district court may only issue a~~
 4 ~~stay pursuant to subsection (4) of this section if it finds that~~
 5 ~~(a) the applicant for the stay is likely to prevail when the matter~~
 6 ~~is finally decided, (b) without relief, the applicant will suffer~~
 7 ~~irreparable injury, and (c) the grant of relief to the applicant~~
 8 ~~will not substantially harm other parties to the proceedings. The~~
 9 ~~commission or district court may require the party requesting such~~
 10 ~~stay to give bond in such amount and conditioned as the commission~~
 11 ~~or court may direct. The grant or denial of a stay shall not be~~
 12 ~~considered to be a final order.~~

13 Sec. 20. Section 75-122.01, Revised Statutes Supplement,
 14 2002, is amended to read:

15 ~~75-122.01.~~ Except as otherwise provided in section
 16 ~~75-134~~ sections 75-132.01, 75-134, 75-144, and 75-1012, the
 17 district courts shall have jurisdiction to enjoin a commission
 18 order only when the order was not entered in accordance with
 19 Chapter 75 or 86 and the commission's rules and regulations adopted
 20 and promulgated pursuant to such chapters.

21 Sec. 21. Section 75-136, Revised Statutes Supplement,
 22 2002, is amended to read:

23 75-136. ~~(1)~~ Except as otherwise provided by law, if a
 24 party to any proceeding is not satisfied with the order entered by
 25 the commission, such party may appeal. Any appeal filed on or
 26 after the operative date of this section shall be in accordance
 27 with the Administrative Procedure Act. Any appeal filed prior to
 28 the operative date of this section shall be in accordance with

1 sections 75-134, 75-136 to 75-138, and 75-156 as such sections
2 existed prior to the changes made by this legislative bill. to the
3 Court of Appeals as provided in section 75-137 to reverse, vacate,
4 or modify the order.

5 (2) In the case of an order assessing a civil penalty
6 entered under subdivision (1)(b) of section 75-156, the party may
7 seek judicial review in accordance with the Administrative
8 Procedure Act. In the case of any other order entered under
9 sections 75-156 to 75-158, the party may (a) seek the review of the
10 Court of Appeals as provided in section 75-137 or (b) seek judicial
11 review of the order under section 75-136.01. Subdivisions (a) and
12 (b) of this subsection are mutually exclusive and the choice of
13 either section 75-136.01 or 75-137 shall govern the appeal process.

14 Sec. 22. Section 75-156, Revised Statutes Supplement,
15 2002, is amended to read:

16 75-156. (1) In addition to other penalties and relief
17 provided by law, the Public Service Commission may, upon a finding
18 that the violation is proven by clear and convincing evidence,
19 assess a civil penalty of up to ten thousand dollars per day
20 against any person, motor carrier, regulated motor carrier, common
21 carrier, or contract carrier for each violation of (a) any
22 provision of sections 75-301 to 75-390 administered by the
23 commission or section 75-126 as such section applies to any person
24 or carrier specified in sections 75-301 to 75-390, (b) a commission
25 order entered pursuant to the Automatic Dialing-Announcing Devices
26 Act, the Emergency Telephone Communications Systems Act, the
27 Intrastate Pay-Per-Call Regulation Act, the Nebraska
28 Telecommunications Regulation Act, the Nebraska Telecommunications

1 Universal Service Fund Act, or the Telecommunications Relay System
2 Act, (c) any term, condition, or limitation of any certificate or
3 permit issued by the commission pursuant to sections 75-301 to
4 75-390, or (d) any rule, regulation, or order of the commission
5 issued under authority delegated to the commission pursuant to
6 sections 75-301 to 75-390.

7 (2) In addition to other penalties and relief provided by
8 law, the Public Service Commission may, upon a finding that the
9 violation is proven by clear and convincing evidence, assess a
10 civil penalty of up to ten thousand dollars per day against any
11 wireless carrier for each violation of the Enhanced Wireless 911
12 Services Act or any rule, regulation, or order of the commission
13 issued under authority delegated to the commission pursuant to the
14 act.

15 (3) The civil penalty assessed under this section shall
16 not exceed two million dollars per year for each violation. The
17 amount of the civil penalty assessed in each case shall be based on
18 the severity of the violation charged. The commission may
19 compromise or mitigate any penalty prior to hearing if all parties
20 agree. In determining the amount of the penalty, the commission
21 shall consider the appropriateness of the penalty in light of the
22 gravity of the violation and the good faith of the violator in
23 attempting to achieve compliance after notification of the
24 violation is given.

25 ~~(2)~~ (4) Upon notice and hearing in accordance with this
26 section and section 75-157, the commission may enter an order
27 assessing a civil penalty of up to one hundred dollars against any
28 person, firm, partnership, limited liability company, corporation,

1 cooperative, or association for failure to file an annual report
2 or, beginning January 1, 2004, pay the fee as required by section
3 75-116 and as prescribed by commission rules and regulations or for
4 failure to register as required by section 86-125 and as prescribed
5 by commission rules and regulations. Each day during which the
6 violation continues after the commission has issued an order
7 finding that a violation has occurred constitutes a separate
8 offense. Any party aggrieved by an order of the commission under
9 this section, ~~except an order assessing a civil penalty issued~~
10 ~~under subdivision (1)(b) of this section, has the rights of appeal~~
11 ~~set forth in section 75-136.01. For an order assessing a civil~~
12 ~~penalty issued under subdivision (1)(b) of this section, any party~~
13 ~~aggrieved~~ may appeal. The appeal shall be in accordance with the
14 Administrative Procedure Act.

15 ~~(3)~~ (5) When any person or party is accused of any
16 violation listed in this section, the commission shall notify such
17 person or party in writing (a) setting forth the date, facts, and
18 nature of each act or omission upon which each charge of a
19 violation is based, (b) specifically identifying the particular
20 statute, certificate, permit, rule, regulation, or order
21 purportedly violated, (c) that a hearing will be held and the time,
22 date, and place of the hearing, (d) that in addition to the civil
23 penalty, the commission may enforce additional penalties and relief
24 as provided by law, and (e) that upon failure to pay any civil
25 penalty determined by the commission, the penalty may be collected
26 by civil action in the district court of Lancaster County.

27 Sec. 23. Section 75-305, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 75-305. For purposes of sustaining the administration
2 and enforcement of sections 75-301 to 75-322 as such sections
3 pertain to regulated motor carriers, there is hereby fixed an
4 application fee of ~~seventy-five~~ eighty dollars payable by the applicant at
5 the time of filing the application, except that such fee shall not
6 apply to applications under sections 75-303.01 and 75-303.02. In
7 addition thereto, every Every regulated motor carrier subject to
8 sections 75-301 to 75-322 shall pay an annual fee not exceeding the
9 sum of ~~twenty-five~~ eighty dollars for each motor vehicle operated,
10 which fee shall be fixed by the commission and shall not exceed the
11 amount actually necessary to sustain the administration and
12 enforcement of such sections. When the applicant has registered
13 his or her motor vehicles under section 60-305.09, such fee ~~of~~
14 ~~twenty-five~~ dollars shall be payable on whichever shall be the
15 lesser of (1) the proportion of his or her fleet so registered or
16 (2) the number of motor vehicles owned by him or her and actually
17 used in intrastate business within this state, except that such
18 annual fee for any truck-trailer or tractor-trailer combination
19 shall be ~~forty~~ one hundred twenty dollars. In the case of a
20 truck-trailer or tractor-trailer combination, only one license
21 plate shall be required for such combination. Such annual fees
22 shall be due and payable on or before January 1 and shall be
23 delinquent on March 1 of each year after such permit or certificate
24 has been issued. If the initial certificate or permit is issued to
25 a motor carrier on or after July 1, the fee shall be fifty percent
26 of the annual fee. Such fees shall be paid to and collected by the
27 commission and remitted to the State Treasurer within thirty days
28 of receipt for credit to the General Fund.

1 Sec. 24. Section 75-903, Revised Statutes Supplement,
2 2002, is amended to read:

3 75-903. All grain dealers doing business in this state
4 shall be licensed by the commission. If the applicant is an
5 individual, the application shall include the applicant's social
6 security number. To procure and maintain a license, each grain
7 dealer shall:

8 (1) Pay an annual fee of ~~thirty~~ sixty dollars which shall
9 be due on or before the date established by the commission for each
10 license and a registration fee not to exceed ~~twenty~~ forty dollars
11 per year for each vehicle used by such licensee to transport grain.
12 Such fees shall be paid to the State Treasurer and credited to the
13 ~~state~~ General Fund;

14 (2) Equip each vehicle used by the licensee for grain
15 transportation with a commercial license plate registered with the
16 Department of Motor Vehicles, except that a licensee who resides in
17 another state shall license such vehicles according to the laws of
18 his or her state of residence;

19 (3) Affix a grain dealer plate issued by the commission
20 to each vehicle used by the licensee;

21 (4) File security which may be a bond issued by a
22 corporate surety company and payable to the commission, an
23 irrevocable letter of credit, or a certificate of deposit, subject
24 to the approval of the commission, for the benefit of any producer
25 or owner within this state who files a valid claim arising from a
26 sale to or purchase from a grain dealer. The security shall be in
27 the amount of thirty-five thousand dollars or seven percent of
28 grain purchases by the grain dealer in the preceding license year

1 as reported on a form prescribed by the commission, whichever is
2 greater, not to exceed one hundred fifty thousand dollars. Such
3 security shall be furnished on the condition that the licensee will
4 pay for any grain purchased upon demand, not later than thirty days
5 after taking possession of the grain purchased. The liability of
6 the surety shall cover purchases and sales made or arranged by the
7 grain dealer during the time the bond is in force. A grain
8 dealer's bond filed with the commission shall be in continuous
9 force and effect until canceled by the surety. The liability of
10 the surety on any bond required by this section shall not
11 accumulate for each successive license period during which the bond
12 is in force; and

13 (5) File, as the commission may by rule or regulation
14 require, a financial statement of the licensee's operations as a
15 grain dealer.

16 Sec. 25. Section 75-1008, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 75-1008. (1) After the conclusion of any hearing held
19 pursuant to section 75-1005 or 75-1007, the commission shall grant
20 or deny the rates or charges that were considered at the hearing
21 and, if other rates or charges are to be adopted, shall decide on
22 any modifications to the rates or charges that the commission
23 considers necessary based on the evidence adduced at the hearing.

24 (2) The commission shall issue a written order setting
25 out its findings and reasoning for its decision. The commission's
26 order may be appealed ~~according to section 75-137~~ by a party to the
27 proceeding. Such appeal shall be in accordance with section
28 75-136.

1 (3) If the hearing is held pursuant to a petition filed
2 pursuant to section 75-1007, if the proposed rates or charges
3 become effective before the decision of the commission, and if the
4 decision denies the proposed rates or charges, then the proposed
5 rates or charges shall be denied retroactively and any amounts
6 collected under the proposed rates or charges shall be refunded by
7 the private water company. If the hearing is held pursuant to a
8 petition filed pursuant to section 75-1005 and if the decision of
9 the commission modifies the established rates or charges, then the
10 established rates or charges shall be modified as of the date of
11 the decision and shall not be retroactive.

12 Sec. 26. Section 86-123, Revised Statutes Supplement,
13 2002, is amended to read:

14 86-123. (1) The commission shall regulate the quality of
15 telecommunications service provided by telecommunications companies
16 and shall investigate and resolve subscriber complaints concerning
17 quality of telecommunications service, subscriber deposits, and
18 disconnection of telecommunications service. If such a complaint
19 cannot be resolved informally, then, upon petition by the
20 subscriber, the commission shall set the matter for hearing in
21 accordance with the commission's rules and regulations for notice
22 and hearing. The commission may by order grant or deny, in whole
23 or in part, the subscriber's petition or provide such other relief
24 as is reasonable based on the evidence presented at the hearing.
25 Any such order of the commission may be enforced against any
26 telecommunications company as provided in sections 75-140 to
27 75-144, and such order may be appealed by an interested party. The
28 appeal shall be in accordance with the Administrative Procedure

1 Act.

2 (2) The commission may regulate telecommunications
3 company rates pursuant to sections 86-139 to 86-157.

4 (3) The Nebraska Telecommunications Regulation Act shall
5 preempt and prohibit any regulation of a telecommunications company
6 by counties, cities, villages, townships, or any other local
7 governmental entity.

8 Sec. 27. Section 86-158, Revised Statutes Supplement,
9 2002, is amended to read:

10 86-158. (1) Except as otherwise provided in section
11 86-123, any order of the commission entered pursuant to authority
12 granted in the Nebraska Telecommunications Regulation Act may be
13 appealed by any interested party to the proceeding. The appeal
14 shall be in accordance with the Administrative Procedure Act.

15 (2) ~~An~~ In an original action ~~or appeal~~ concerning a
16 violation of the Nebraska Telecommunications Regulation Act by a
17 telecommunications company, the commission shall have jurisdiction
18 as shall follow the procedures set forth in section 75-132.01.
19 After all administrative remedies before the commission have been
20 exhausted, an appeal may be brought by an interested party to an
21 action. Such appeal shall be in accordance with the Administrative
22 Procedure Act.

23 Sec. 28. Section 86-313, Revised Statutes Supplement,
24 2002, is amended to read:

25 86-313. (1)(a) Each telephone company in Nebraska shall
26 collect from each of the telephone subscribers a surcharge not to
27 exceed twenty cents per month on each telephone access line in
28 Nebraska, including cellular telephone service. The surcharge

1 shall only be collected on the first one hundred telephone access
2 lines per subscriber. The companies shall add the surcharge to
3 each subscriber's local telephone bill.

4 (b) The telephone companies are not liable for any
5 surcharge not paid by a subscriber and are not obligated to take
6 legal action to collect the surcharge.

7 (2) Before ~~October~~ April 1 of each year, the commission
8 shall hold a public hearing to determine the amount of surcharge
9 necessary to carry out the Telecommunications Relay System Act.
10 After the hearing, the commission shall set the surcharge at the
11 level necessary to fund the statewide telecommunications relay
12 system and the specialized telecommunications equipment program for
13 the following year plus a reasonable reserve. The surcharge shall
14 become effective on ~~January~~ July 1 following the change. The
15 amount appropriated for the specialized telecommunications
16 equipment program from the fund shall not exceed the revenue
17 generated by one cent of the surcharge per month.

18 (3) In an emergency the commission may adjust the amount
19 of the surcharge to become effective before such date but only
20 after a public hearing for such purpose.

21 (4) The proceeds from the surcharge shall be remitted to
22 the commission monthly no later than thirty days after the end of
23 the month in which they were collected together with forms provided
24 by the commission. The commission shall remit the funds to the
25 State Treasurer for credit to the fund.

26 (5) The commission may require an audit of any telephone
27 company collecting the surcharge pursuant to the act.

28 Sec. 29. Section 86-442, Revised Statutes Supplement,

1 2002, is amended to read:

2 86-442. Sections 86-442 to 86-469 and section 30 of this
3 act shall be known and may be cited as the Enhanced Wireless 911
4 Services Act.

5 Sec. 30. The commission may assess a civil penalty
6 pursuant to section 75-156 for each violation of any provision of
7 the Enhanced Wireless 911 Services Act or any rule, regulation, or
8 order of the commission issued under authority delegated to the
9 commission pursuant to the act.

10 Sec. 31. Section 86-457, Revised Statutes Supplement,
11 2002, is amended to read:

12 86-457. Each wireless carrier who has a subscriber with
13 a billing address in Nebraska shall collect a surcharge of not more
14 than fifty cents per month per access line. The wireless carrier
15 shall add the surcharge to each subscriber's billing statement.
16 The wireless carrier is not liable for any surcharge not paid by a
17 subscriber and is not obligated to take legal action to collect the
18 surcharge. The surcharge shall appear as a separate line-item
19 charge on the subscriber's billing statement and shall be labeled
20 as "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation
21 of such phrase. The commission may take any legal action as it
22 deems necessary to collect unpaid surcharges in its own name, as a
23 real party in interest, or by assigning such debt for collection to
24 a third party.

25 Sec. 32. Section 86-578, Revised Statutes Supplement,
26 2002, is amended to read:

27 86-578. ~~An~~ In an original action ~~or appeal~~ concerning a
28 violation of any provision of sections 86-574 to 86-578 by an

1 agency or political subdivision of the state, the Public Service
 2 Commission shall have the jurisdiction shall follow the procedures
 3 set forth in section 75-132.01. After all administrative remedies
 4 before the Public Service Commission have been exhausted, an appeal
 5 may be brought by an interested party. Such appeal shall be in
 6 accordance with the Administrative Procedure Act.

7 Sec. 33. Section 88-529, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 88-529. The commission shall charge an annual license
 10 fee for each warehouse to be operated, except as provided in
 11 section 88-531. The fee for any license issued for less than
 12 twelve months shall be prorated based on its duration. The annual
 13 license fee shall be as provided in this section.

Capacity in Bushels	Fee
0 — 10,000	\$ 30
10,001 — 25,000	38
25,001 — 50,000	45
50,001 — 75,000	53
75,001 — 100,000	60
100,001 — 150,000	68
150,001 — 200,000	75
200,001 — 250,000	83
250,001 — 300,000	90
300,001 — 350,000	98
350,001 — 400,000	105
400,001 — 450,000	113
450,001 — 500,000	120
500,001 — 600,000	128

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1	600,001	--	700,000	135
2	700,001	--	800,000	143
3	800,001	--	900,000	150
4	900,001	--	1,000,000	158
5	1,000,001	--	2,000,000	.....	225
6	2,000,001	--	3,000,000	.....	263
7	3,000,001	--	4,000,000	.....	300
8	4,000,001	--	5,000,000	.....	338
9	5,000,001	--	6,000,000	.....	375
10	6,000,001	--	7,000,000	.....	413
11	7,000,001	--	8,000,000	.....	450
12	8,000,001	--	9,000,000	.....	488
13	9,000,001	--	10,000,000	.....	525
14	10,000,001	--	11,000,000	.....	563
15	11,000,001	--	15,000,000	.....	713
16	15,000,001	--	20,000,000	.....	900
17	20,000,001	--	25,000,000	.....	1,088
18	25,000,001	--	30,000,000	.....	1,275
19	30,000,001	--	40,000,000	.....	1,650
20	40,000,001	or more	.....	.....	2,250

21	<u>Capacity in Bushels</u>				<u>Fee</u>
22	<u>0</u>	--	<u>10,000</u>	.....	<u>\$ 45</u>
23	<u>10,001</u>	--	<u>25,000</u>	.....	<u>57</u>
24	<u>25,001</u>	--	<u>50,000</u>	.....	<u>68</u>
25	<u>50,001</u>	--	<u>75,000</u>	.....	<u>78</u>
26	<u>75,001</u>	--	<u>100,000</u>	.....	<u>90</u>
27	<u>100,001</u>	--	<u>150,000</u>	.....	<u>102</u>
28	<u>150,001</u>	--	<u>200,000</u>	.....	<u>113</u>

1	<u>200,001</u>	--	<u>250,000</u>	.....	<u>125</u>
2	<u>250,001</u>	--	<u>300,000</u>	.....	<u>135</u>
3	<u>300,001</u>	--	<u>350,000</u>	.....	<u>147</u>
4	<u>350,001</u>	--	<u>400,000</u>	.....	<u>156</u>
5	<u>400,001</u>	--	<u>450,000</u>	.....	<u>170</u>
6	<u>450,001</u>	--	<u>500,000</u>	.....	<u>180</u>
7	<u>500,001</u>	--	<u>600,000</u>	.....	<u>192</u>
8	<u>600,001</u>	--	<u>700,000</u>	.....	<u>203</u>
9	<u>700,001</u>	--	<u>800,000</u>	.....	<u>215</u>
10	<u>800,001</u>	--	<u>900,000</u>	.....	<u>225</u>
11	<u>900,001</u>	--	<u>1,000,000</u>	.....	<u>237</u>
12	<u>1,000,001</u>	--	<u>2,000,000</u>	.....	<u>338</u>
13	<u>2,000,001</u>	--	<u>3,000,000</u>	.....	<u>395</u>
14	<u>3,000,001</u>	--	<u>4,000,000</u>	.....	<u>450</u>
15	<u>4,000,001</u>	--	<u>5,000,000</u>	.....	<u>507</u>
16	<u>5,000,001</u>	--	<u>6,000,000</u>	.....	<u>563</u>
17	<u>6,000,001</u>	--	<u>7,000,000</u>	.....	<u>620</u>
18	<u>7,000,001</u>	--	<u>8,000,000</u>	.....	<u>675</u>
19	<u>8,000,001</u>	--	<u>9,000,000</u>	.....	<u>732</u>
20	<u>9,000,001</u>	--	<u>10,000,000</u>	.....	<u>788</u>
21	<u>10,000,001</u>	--	<u>11,000,000</u>	.....	<u>845</u>
22	<u>11,000,001</u>	--	<u>15,000,000</u>	.....	<u>1,070</u>
23	<u>15,000,001</u>	--	<u>20,000,000</u>	.....	<u>1,350</u>
24	<u>20,000,001</u>	--	<u>25,000,000</u>	.....	<u>1,632</u>
25	<u>25,000,001</u>	--	<u>30,000,000</u>	.....	<u>1,913</u>
26	<u>30,000,001</u>	--	<u>40,000,000</u>	.....	<u>2,475</u>
27	<u>40,000,001</u>	or more	.....		<u>3,375</u>

28 Sec. 34. Sections 14, 17, 23, 24, 33, and 35 of this act

1 become operative on January 1, 2004. The other sections of this
2 act become operative on their effective date.

3 Sec. 35. Original sections 75-116, 75-305, and 88-529,
4 Reissue Revised Statutes of Nebraska, and sections 75-128 and
5 75-903, Revised Statutes Supplement, 2002, are repealed.

6 Sec. 36. Original sections 14-115, 14-116, 15-901,
7 18-2432, 39-1311, 39-1311.01 to 39-1311.04, 70-604.06, 70-1016,
8 75-121, and 75-1008, Reissue Revised Statutes of Nebraska, and
9 sections 16-902, 17-1002, 75-117, 75-122.01, 75-132.01, 75-134,
10 75-136, 75-156, 86-123, 86-158, 86-313, 86-442, 86-457, and 86-578,
11 Revised Statutes Supplement, 2002, are repealed.

12 Sec. 37. The following sections are outright repealed:
13 Section 75-138, Reissue Revised Statutes of Nebraska, and sections
14 75-136.01 and 75-137, Revised Statutes Supplement, 2002.