

AMENDMENTS TO LB1134

Introduced by von Gillern, 4.

1           1. Insert the following new sections:

2           Section 1. Section 77-5005, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           77-5005 (1) Within ten days after appointment, the commissioners  
5 shall meet at their office in Lincoln, Nebraska, and enter upon the  
6 duties of their office.

7           (2) A majority of the commission shall ~~at all times~~ constitute a  
8 quorum to transact business, and one vacancy shall not impair the right  
9 of the remaining commissioners to exercise all the powers of the  
10 commission, except that two commissioners shall constitute a quorum to  
11 hear and determine any appeals or petitions.

12           (3) Any investigation, inquiry, or hearing held or undertaken by the  
13 commission may be held or undertaken by a single commissioner in those  
14 appeals designated for hearing pursuant to section 77-5015.02.

15           (4) All investigations, inquiries, hearings, and decisions of a  
16 single commissioner and every order made by a single commissioner shall  
17 be deemed to be the order of the commission, except as provided in  
18 subsection (6) of section 77-5015.02. The full commission, on an  
19 application made within thirty days after the date of an order, may grant  
20 a rehearing and determine de novo any decisions of or orders made by the  
21 commission. The commission, on an application made within thirty days  
22 after the date of an order issued after a hearing by a single  
23 commissioner, except for an order dismissing an appeal or petition for  
24 failure of the appellant or petitioner to appear at a hearing on the  
25 merits, shall grant a rehearing on the merits before the commission. The  
26 thirty-day filing period for appeals under subsection (2) of section  
27 77-5019 shall be tolled while a motion for rehearing is pending.

1           (5) All hearings or proceedings of the commission shall be open to  
2 the public.

3           (6) The Open Meetings Act applies only to hearings or proceedings of  
4 the commission held pursuant to the rulemaking authority of the  
5 commission.

6           Sec. 4. If any section in this act or any part of any section is  
7 declared invalid or unconstitutional, the declaration shall not affect  
8 the validity or constitutionality of the remaining portions.

9           Sec. 6. Since an emergency exists, this act takes effect when passed  
10 and approved according to law.

11           2. Renumber the remaining sections and correct the repealer  
12 accordingly.