



Ninety-Ninth Legislature - First Session - 2005  
**Introducer's Statement of Intent**  
**LB 373**

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**Chairperson:** DiAnna R. Schimek  
**Committee:** Government, Military and Veterans Affairs  
**Date of Hearing:** February 16, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 373 changes provisions with respect to rules and regulations adopted pursuant to the Administrative Procedures Act.

Under LB 373, any agency proposing to adopt, amend or repeal a rule or regulation must submit to the Governor and to the Executive Board of the Legislative Council, prior to the hearing, the following information: (1) a description of the proposed rule and the entity or entities it will impact; (2) an explanation of the necessity of the rule or regulation; (3) a statement that the rule or regulation is consistent with legislative intent; (4) a statement whether the proposed rule or regulation is the result of a state mandate on a local government and if the mandate is funded; (5) a statement whether the proposed rule or regulation is a result of a federal mandate and if the mandate is funded; (6) a statement identifying the fiscal impact the rule or regulation will have on the agency; (7) a statement identifying the potential impact the rule or regulation will have on other state agencies; (8) a statement identifying the fiscal impact the proposed rule or regulation will have on the entities impacted; (9) a statement identifying the steps the agency will take to solicit public comment on the proposed rule and regulation; and (10) a statement indicating whether or not the agency has utilized the negotiated rulemaking process provided for in the Negotiated Rulemaking Act. The bill requires the Executive Board to refer this material, for review, to the appropriate legislative committee and, if practicable, to the member of the Legislature who was the primary sponsor of the legislative bill that granted the rulemaking authority, if that member is still serving.

In addition, LB 373 permits any person who feels aggrieved by a rule or regulation to file a complaint with the Legislature's Executive Board. The bill requires the Board to forward the complaint to the appropriate legislative committee and, if practicable, to the member of the Legislature who was the primary sponsor of the legislation granting the rulemaking authority. If it is decided that the complaint has merit, a written response may be requested from the agency explaining its justification for adopting the particular rule or regulation.

**Principal Introducer:** \_\_\_\_\_

**Senator Patrick Bourne**