LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 719

Introduced by Crawford, 45; Avery, 28; Lathrop, 12; Nordquist, 7.
Read first time January 08, 2014
Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Administrative Procedure Act; to amend
2 section 84-907.04, Reissue Revised Statutes of Nebraska;
3 to require a report for each proposed rule or regulation;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,
Section 1. Section 84-907.04, Reissue Revised Statutes of Nebraska, is amended to read:

84-907.04 (1) At the time an agency finalizes a proposed rule or regulation and prior to submission to the Secretary of State, Attorney General, and Governor, the agency shall attach to the proposed rule or regulation a concise explanatory statement containing:

(a) Its reasons for adopting the rule or regulation;

(b) An indication of any change between the text of the proposed rule or regulation contained or referenced in the published notice and the text of the rule or regulation to be adopted, with the reasons for any change; and

(c) When procedural rules differ from the model rules, the agency's reasons why relevant portions of the model rules were impracticable under the circumstances.

(2) Only the reasons contained in the concise explanatory statement may be used by an agency as justifications for the adoption of the rule or regulation in any proceeding in which its validity is at issue.

(3) The agency shall also attach to the proposed rule or regulation a written report that includes a summary of the testimony offered at the public hearing and that lists any specific issues or questions that were presented by individuals or representatives of organizations at the hearing or in written testimony submitted as part of the public hearing process. The report shall also include a
response from the agency proposing the regulatory change to the questions and issues that were presented by individuals or representatives of organizations at the hearing or in written testimony submitted as part of the public hearing process. The written report shall also be submitted to the Executive Board of the Legislative Council.

Sec. 2. Original section 84-907.04, Reissue Revised Statutes of Nebraska, is repealed.