A BILL FOR AN ACT relating to professions and occupations; to amend sections 84-906.01 and 84-910, Reissue Revised Statutes of Nebraska, and sections 84-901.02, 84-901.04, 84-906.04, 84-907.06, 84-908, and 84-920, Revised Statutes Cumulative Supplement, 2016; to adopt the Occupational Board Reform Act; to change provisions relating to certain rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 25 of this act shall be known and may be cited as the Occupational Board Reform Act.

Sec. 2. For purposes of the Occupational Board Reform Act, the definitions in sections 3 to 13 of this act apply.

Sec. 3. Active supervision means supervision of an occupational board provided by the Office of Supervision of Occupational Boards in compliance with section 19 of this act.

Sec. 4. Certification means a voluntary program (1) in which either a private organization or the state government grants nontransferable recognition to an individual who meets personal qualifications established by either the private organization or the Legislature, (2) by which an individual receives approval and the authority to use the term, certified, as a designated title to engage in a lawful occupation, and (3) which is not required to engage in a lawful occupation but is required in order to use the designated title of certified to engage in the lawful occupation.

Sec. 5. Lawful occupation means a course of conduct, a pursuit, or a profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation.

Sec. 6. Least restrictive regulation means one of the following types of regulation, listed from least restrictive to most restrictive:

(1) Market competition;

(2) Third-party or consumer-created ratings and reviews;

(3) Private certification;

(4) Specific private civil cause of action to remedy consumer harm;

(5) Deceptive trade practices under the Uniform Deceptive Trade Practices Act;

(6) Regulation of the process of providing the specific goods or services to consumers;

(7) Inspection;
(8) Bonding or insurance;
(9) Registration;
(10) Government certification;
(11) Specialty occupational license for medical reimbursement; and
(12) Occupational licensure.

Sec. 7. Occupational board means a board, commission, department, or other entity created by state law which regulates providers.

Sec. 8. Occupational license means a nontransferable authorization in law (1) for an individual to perform exclusively a lawful occupation for compensation based on meeting personal qualifications established by the Legislature and (2) which is required in order to legally perform the lawful occupation for compensation.

Sec. 9. (1) Occupational regulation means a statute, rule, regulation, practice, policy, or other state law requiring an individual to possess certain personal qualifications or to comply with registration requirements to use an occupational title or work in a lawful occupation.

(2) Occupational regulation includes certification, registration, and occupational license.

(3) Occupational regulation excludes a business license, facility license, building permit, or zoning and land-use regulation except to the extent that the same state laws that require a business license, facility license, building permit, or zoning and land-use regulation also regulate an individual’s personal qualifications to perform a lawful occupation.

Sec. 10. Personal qualifications means criteria related to an individual’s personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

Sec. 11. Provider means a provider of goods or services engaged in a lawful occupation regulated by an occupational board, including, but
not limited to:

(1) Abstracters;
(2) Accountants;
(3) Acupuncturists;
(4) Agricultural engineers;
(5) Aircraft and civil aviation mechanics;
(6) Alcohol and drug counselors;
(7) Architects;
(8) Architectural engineers;
(9) Asbestos workers;
(10) Athlete agents;
(11) Athletic coaches;
(12) Athletic trainers;
(13) Attorneys;
(14) Audiologists;
(15) Audiology or speech-language pathology assistants;
(16) Bank executive officers;
(17) Barbers;
(18) Barber instructors;
(19) Bill and account collectors;
(20) Body branders;
(21) Body piercers;
(22) Boiler and pressure vessel inspectors;
(23) Boxers and seconds;
(24) Boxing promoters;
(25) Broker-dealer agents;
(26) Broker-dealers;
(27) Bulk milk haulers and samplers;
(28) Certified legal video specialists;
(29) Certified special population specialists;
(30) Chemical engineers;
(31) Chiropractors;
(32) Civil engineers;
(33) Clinical nurse specialists;
(34) Commercial dog or cat breeders;
(35) Commercial dog or cat dealers;
(36) Contractors and subcontractors;
(37) Control systems engineers;
(38) Cosmetologists;
(39) Cosmetology instructors;
(40) Counselors;
(41) County assessors;
(42) County highway and city street superintendents;
(43) Court reporters;
(44) Credit counselors;
(45) Credit union loan officers;
(46) Dental assistants;
(47) Dental hygienists;
(48) Dentists;
(49) Driver safety course instructors;
(50) Education administrators;
(51) Electrical and computer engineers;
(52) Electricians;
(53) Electrologists;
(54) Electrology instructors;
(55) Elementary school teachers;
(56) Elevator inspectors and elevator inspection supervisors;
(57) Employment agents;
(58) Environmental engineers;
(59) Environmental health specialists;
(60) Estheticians;
(61) Esthetician instructors;
(62) Farm labor contractors;
(63) Fire alarm inspectors;
(64) Fire protection engineers;
(65) Fire sprinkler contractors;
(66) Fireworks operators;
(67) Funeral directors and embalmers;
(68) Genetic counselors;
(69) Geologists;
(70) Hearing instrument specialists;
(71) Horse trainers;
(72) Industrial engineers;
(73) Industrial hygienists;
(74) Insurance producers and consultants;
(75) Investment advisers and adviser representatives;
(76) Jockeys;
(77) Kindergarten teachers;
(78) Land surveyors;
(79) Landscape architects;
(80) Law enforcement officers;
(81) Lead-based paint licensees;
(82) Licensed practical nurses;
(83) Livestock dealers;
(84) Lobbyists;
(85) Marriage and family therapists;
(86) Massage therapists;
(87) Master plumbers;
(88) Mechanical engineers;
(89) Medical nutrition therapists;
(90) Medication aides;
(91) Mental health practitioners;
(92) Metallurgical and materials engineers;
(93) Middle school teachers;
(94) Milk producers and field representatives;
(95) Mining and mineral engineers;
(96) Mixed martial artists;
(97) Mortgage loan originators;
(98) Motor vehicle salespersons;
(99) Motor vehicle, trailer, and motorcycle dealers;
(100) Motorcycle-only dealers;
(101) Nail technicians;
(102) Nail technology instructors;
(103) Notaries public;
(104) Nuclear engineers;
(105) Nurse anesthetists;
(106) Nurse midwives;
(107) Nurse practitioners;
(108) Nursery stock distributors;
(109) Nursing assistants;
(110) Nursing home administrators;
(111) Occupational therapists;
(112) Occupational therapy assistants;
(113) Optometrists;
(114) Osteopathic physicians and surgeons;
(115) Out-of-hospital emergency care providers;
(116) Paid dining assistants;
(117) Perfusionists;
(118) Permanent color technicians;
(119) Personal trainers;
(120) Pesticide applicators;
(121) Pesticide dealers;
(122) Petroleum engineers;
(123) Pharmacists;
(124) Pharmacy technicians;
(125) Physical therapists;
(126) Physical therapist assistants;
(127) Physician assistants;
(128) Physicians and surgeons;
(129) Pilots;
(130) Podiatrists;
(131) Polygraph examiners;
(132) Private detectives;
(133) Professional engineers;
(134) Psychologists;
(135) Race horse identifiers and tattooers;
(136) Race horse owners;
(137) Race horse stable attendants;
(138) Race track workers;
(139) Radiographers;
(140) Radon specialists and technicians;
(141) Real estate brokers;
(142) Real estate salespersons;
(143) Real property appraisers;
(144) Registered nurses;
(145) Respiratory care practitioners;
(146) School counselors;
(147) Secondary school teachers;
(148) Sign language interpreters;
(149) Social workers and master social workers;
(150) Software engineers;
(151) Special education teachers;
(152) Speech-language pathologists;
(153) Strength and conditioning specialists;
(154) Structural engineers;
(155) Surgical first assistants;
(156) Swimming pool operators;
(157) Tactical strength and conditioning facilitators;
(158) Tattoo artists;
(159) Teachers and substitute teachers;
(160) Trailer-only dealers;
(161) Truck drivers for heavy trucks;
(162) Truck drivers for light and delivery services trucks;
(163) Veterinarians;
(164) Veterinary technicians;
(165) Viatical settlement brokers;
(166) Vocational education teachers;
(167) Voice stress examiners;
(168) Wastewater treatment operators;
(169) Wastewater treatment system professionals;
(170) Water treatment plant operators;
(171) Water well drillers; and
(172) Wrecker and salvage dealers.

Sec. 12. (1) Registration means (a) a requirement to give notice to the government that may include the individual’s name and address, the individual’s agent for service of process, the location of the activity to be performed, and a description of the service the individual provides, (b) upon receipt of the notice by the government, the individual may use the term, registered, as a designated title to engage in a lawful occupation, and (c) such notice is required to engage in the lawful occupation for compensation and is required in order to use the designated title of registered to engage in the lawful occupation.

(2) Registration does not include personal qualifications but may require a bond or insurance.

(3) Registration is not transferable.

Sec. 13. (1) Specialty occupational license for medical
reimbursement means a nontransferable authorization in law for an individual to qualify for payment or reimbursement from a government agency for the nonexclusive provision of medical services based on meeting personal qualifications established by the Legislature.

(2) Specialty occupational license for medical reimbursement may be recognized by a private company.

Sec. 14. For purposes of the Occupational Board Reform Act:

(1) Certification and registration are not synonymous with occupational license;

(2) When certification and certified are used outside of the Occupational Board Reform Act to mean a requirement that an individual meet certain personal qualifications to work legally, those terms in that context shall be interpreted for purposes of the Occupational Board Reform Act as requiring an individual to meet the requirements for an occupational license; and

(3) When registration and registered are used outside of the Occupational Board Reform Act to mean a requirement that an individual meet certain personal qualifications to work legally, those terms in that context shall be interpreted for purposes of the Occupational Board Reform Act as requiring an individual to meet the requirements for an occupational license.

Sec. 15. (1) Occupational regulations shall be construed and applied to increase economic opportunities, promote competition, and encourage innovation.

(2) It is the policy of the State of Nebraska:

(a) To protect the fundamental right of an individual to pursue an occupation;

(b) To use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health and safety when it is necessary to displace competition;

(c) To enforce an occupational regulation against an individual only
to the extent that the individual sells goods and services that are
included explicitly in the statute that governs the lawful occupation’s
scope of practice;

(d) To provide active supervision of occupational boards through the
Office of Supervision of Occupational Boards; and

(e) To provide ongoing legislative review of occupational regulation
and legislation related to occupational regulation.

Sec. 16. The purposes of the Occupational Board Reform Act are (1)
to require occupational boards to respect the fundamental right of an
individual to pursue an occupation and (2) to ensure that occupational
boards and individual members of occupational boards avoid liability
under federal antitrust laws.

Sec. 17. (1) The fundamental right of an individual to pursue an
occupation includes the right of an individual with a criminal history to
obtain an occupational license, a specialty occupational license for
medical reimbursement, or government certification or state recognition
of the individual’s personal qualifications.

(2) An individual with a criminal history may petition the
appropriate occupational board at any time, including prior to obtaining
required education or paying any fee, for a determination as to whether
the individual’s criminal history would disqualify the individual from
obtaining an occupational license, a specialty occupational license for
medical reimbursement, or government certification or state recognition
of the individual’s personal qualifications from that occupational board.

(3) Upon receipt of a petition under subsection (2) of this section
and a fee if required under subsection (7) of this section, the
appropriate occupational board shall make a determination of whether the
individual’s criminal history would disqualify the individual from
obtaining an occupational license, a specialty occupational license for
medical reimbursement, or government certification or state recognition
of the individual’s personal qualifications from that occupational board.
In making such determination, an individual’s criminal history would disqualify the individual only if:

(a) The individual has a felony conviction;

(b) The felony conviction is expressly listed as a disqualifying offense in the statutes governing occupational licensure by the occupational board; and

(c) The occupational board concludes that the state has an important interest in protecting public safety that is superior to the individual’s right to pursue an occupation. The occupational board may come to this conclusion only if it determines, by clear and convincing evidence at the time of the petition, that (i) the specific offense for which the individual was convicted is substantially related to the state's interest, (ii) based on the nature of the specific offense for which the individual was convicted and the individual's circumstances at the time of the petition, the individual is more likely to re-offend by virtue of having the license than if the individual did not have the license, and (iii) another offense by the individual will cause greater harm than it would if the individual did not have the license.

(4) The occupational board shall issue its determination in writing within ninety days after receiving a petition under subsection (2) of this section. The determination shall include findings of fact and conclusions of law. If the occupational board determines that the state’s interest is superior to the individual’s right, the occupational board may advise the individual of any action the individual may take to remedy the disqualification. If the occupational board finds that the individual has committed a subsequent felony, the occupational board may rescind a determination upon finding that the subsequent felony would be disqualifying under subsection (3) of this section.

(5) The individual may appeal the determination of the occupational board. The appeal shall be in accordance with the Administrative Procedure Act.
(6) An individual may file another petition under this section with the same occupational board two years after the final decision on the previous petition, except that if the individual has taken action to remedy the disqualification as advised by the occupational board, the individual may file another petition under this section with the same occupational board six months after the final decision on the previous petition.

(7) An occupational board may charge a fee not to exceed one hundred dollars for each petition filed pursuant to this section. The fee is intended to offset the administrative costs incurred under this section.

Sec. 18. (1) The Office of Supervision of Occupational Boards is created. The Governor shall appoint the executive director of the office. The executive director shall employ one or more attorneys who do not otherwise provide general counsel to an occupational board.

(2) The office shall provide active supervision to occupational boards pursuant to section 19 of this act to ensure compliance with the policies stated in section 15 of this act. The office shall review and approve or reject any proposed rule, regulation, policy, enforcement action, or other regulatory action prior to its adoption, promulgation, or implementation. The office shall explicitly approve or reject such occupational regulation or enforcement action. A failure to respond or act shall not be deemed approval.

(3) The office shall evaluate each provider listed in section 11 of this act and determine what type of occupational regulation as defined by the Occupational Board Reform Act is being used to regulate the provider regardless of the terminology of the statutes, rules, and regulations applicable to the occupation of the provider.

(4) The office may assess each occupational board the administrative costs incurred pursuant to sections 18 to 21 of this act. Within the statutory authorization for fees, each occupational board may increase fees for occupational regulation to pay such assessment.
Sec. 19. (1) The Office of Supervision of Occupational Boards shall independently:

(a) Play a substantial role in the development of an occupational board’s rules and regulations to ensure that the rules and regulations benefit consumers and do not serve the private interests of the providers that the occupational board regulates;

(b) Disapprove the use by an occupational board of any rule or regulation that fails to comply with the policies stated in section 15 of this act and terminate any enforcement action pending for such rule or regulation on the effective date of this act or at any subsequent time;

(c) Exercise control over an occupational board by reviewing and affirmatively approving the occupational board’s rules, regulations, and enforcement action to ensure compliance with the policies stated in section 15 of this act; and

(d) Review the legislative history of the authorizing legislation for each occupational board and its rules, regulations, and enforcement actions, including analysis under section 23 of this act, and conduct a reasonable investigation to gain additional information, including less restrictive regulatory approaches, to reduce the occupational board’s exposure to antitrust litigation.

(2) The Legislature finds that the provision of general counsel to an occupational board by a government or private attorney does not meet the definition of or requirement for active supervision.

Sec. 20. (1) A person may file a complaint with the Office of Supervision of Occupational Boards regarding an occupational regulation or enforcement action of an occupational board if the person believes it is inconsistent with the policies stated in section 15 of this act.

(2) Within ninety days after receiving a complaint, the office shall investigate the complaint, identify possible remedies, instruct the affected occupational board to take action if appropriate, and respond in writing to the person who filed the complaint. There is no right to
appeal any action or decision by the office under this section.

Sec. 21. A member of the Legislature may request that the Attorney General review (1) a rule, regulation, policy, or enforcement action of an occupational board if the member believes it is inconsistent with the policies stated in section 15 of this act, (2) the active supervision of an occupational board provided by the Office of Supervision of Occupational Boards, or (3) any response by the office provided pursuant to section 20 of this act.

Sec. 22. The Legislative Office of Occupational Regulations is created. The Executive Board of the Legislative Council shall appoint the Legislative Regulatory Analyst as the director of the office.

Sec. 23. The Legislative Office of Occupational Regulations shall:

(1) Review proposed legislation to enact or modify occupational regulations to ensure compliance with the policies stated in section 15 of this act;

(2) Determine whether the legislation meets the requirements of the policies stated in section 15 of this act by using the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harm;

(3) Evaluate the effects of the legislation on opportunities for workers, consumer choices and costs, general unemployment, market competition, governmental costs, and any other relevant issues;

(4) Compare the legislation with occupational regulation in other states; and

(5) Issue a report regarding the legislation to the relevant committee in a timely fashion in order that the committee may review the report prior to voting on the legislation which would enact or modify occupational regulations.

Sec. 24. The Legislative Office of Occupational Regulations may:

(1) Require proponents of legislation which would enact or modify occupational regulations to submit evidence of present, significant, and
substantiated harm to consumers in Nebraska; and

(2) Require information from sources other than proponents who are knowledgeable regarding the proposed occupational regulations, the effect on labor economics, and other relevant factors.

Sec. 25. The Legislative Office of Occupational Regulations shall annually review the occupational regulations of approximately twenty percent of the providers listed in section 11 of this act to improve compliance with the Occupational Board Reform Act. The office shall complete its review of all providers every five years. The office may require the submission of information by the affected occupational board, members or employees of the board, and other affected parties. The office shall provide an electronic report of its findings and suggested changes to the Clerk of the Legislature and the Attorney General.

Sec. 26. Section 84-901.02, Revised Statutes Cumulative Supplement, 2016, is amended to read:

84-901.02 The Legislature finds that:

(1) The regulatory authority given to agencies has a significant impact on the people of the state;

(2) When agencies create substantive standards by which Nebraskans are expected to abide, it is essential that those standards be adopted through the rules and regulations process to enable the public to be aware of the standards and have an opportunity to participate in the approval or repeal process; and

(3) Agencies should be encouraged to advise the public of current opinions, interpretations, approaches, and likely courses of action by means of guidance documents; and

(4) Oversight of the regulatory authority over occupations and professions given to agencies is required to ensure respect for the fundamental right of an individual to pursue an occupation and to ensure that occupational boards avoid liability under federal antitrust laws.
2016, is amended to read:

84-901.04 (1) If an agency determines that the adoption, amendment, or repeal of a rule or regulation is necessitated by an emergency situation, the agency may adopt, amend, or repeal a rule or regulation upon approval of the Governor. Such agency’s request shall be submitted to the Governor in writing and include a justification as to why the emergency rule or regulation is necessary. Factors for the justification shall include:

(a) Imminent peril to the public health, safety, or welfare; or

(b) The unforeseen loss of federal funding for an agency program.

(2) Any agency may use the emergency rule or regulation procedure as provided in this section. However, no agency shall use such procedure to avoid the consequences for failing to timely adopt and promulgate rules and regulations.

(3) Rules and regulations adopted, amended, or repealed under this section shall be exempt from the notice and hearings requirements of section 84-907, and the review process required under section 84-905.01, and the Occupational Board Reform Act and shall be valid upon approval of the Governor. An emergency rule or regulation shall remain in effect for a period of ninety calendar days and is renewable once for a period not to exceed ninety calendar days.

(4) Any agency which adopts, amends, or repeals a rule or regulation under this section shall file such rule or regulation with the Secretary of State. The agency shall also publish such rule or regulation on the agency's web site.

Sec. 28. Section 84-906.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-906.01 (1) An agency shall maintain an official rulemaking or regulationmaking record for each rule or regulation it adopts or proposes by publication of a notice. The record and materials incorporated by reference shall be available for public inspection and shall be
maintained for at least four years after the effective date of the rule or regulation.

(2) The record shall contain:
(a) Copies of all publications with respect to the rule or regulation;
(b) Copies of any portions of the public rulemaking or regulationmaking docket containing entries relating to the rule or regulation;
(c) All written petitions, requests, submissions, and comments received by the agency and all other written materials prepared by or for the agency in connection with the proposal or adoption of the rule or regulation;
(d) Any official transcript of oral presentations made in a proceeding about the proposed rule or regulation or, if not transcribed, any tape recording or stenographic record of those presentations, and any memorandum prepared by the hearing officer summarizing the contents of those presentations;
(e) A copy of the rule or regulation and the concise explanatory statement filed with the Secretary of State;
(f) All petitions for adoption of, exceptions to, amendments of, or repeal or suspension of, the rule or regulation;
(g) A copy of any comments on the rule or regulation filed by a legislative committee or the Legislative Office of Occupational Regulations; and
(h) A description, including an estimated quantification, of the fiscal impact on state agencies, political subdivisions, and regulated persons.

(3) Upon judicial review, the record required by this section shall constitute the official agency rulemaking or regulationmaking record with respect to a rule or regulation. Except as provided in section 84-907.04 or as otherwise required by law, the agency rulemaking or

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regulationmaking record need not constitute the exclusive basis for agency action on that rule or regulation or for judicial review thereof.

Sec. 29. Section 84-906.04, Revised Statutes Cumulative Supplement, 2016, is amended to read:

84-906.04 (1) The Secretary of State shall maintain a current public rulemaking or regulationmaking docket for each pending rulemaking or regulationmaking proceeding. A rulemaking or regulationmaking proceeding is pending from the time it is commenced by publication of a notice of proposed rule or regulation making to the time it is terminated by publication of a notice of termination or the rule or regulation becoming effective.

(2) For each rulemaking or regulationmaking proceeding, the docket shall indicate:

(a) The subject matter of the proposed rule or regulation;
(b) The time, date, and location of the public hearing regarding the proposed rule or regulation;
(c) The name and address of agency personnel with whom people may communicate regarding the proposed rule or regulation;
(d) Where written comments on the proposed rule or regulation may be inspected;
(e) The time during which written comments may be made;
(f) Where the description of the fiscal impact may be inspected and obtained;
(g) The current status of the proposed rule or regulation and any agency determinations or determinations of the Office of Supervision of Occupational Boards, if any, with respect thereto;
(h) Any known timetable for agency decisions or other action in the proceeding;
(i) The date of the rule's or regulation's adoption;
(j) The date of the rule's or regulation's filing, indexing, and publication; and
(k) The operative date of the rule or regulation if such date is
later than the effective date prescribed in sections 84-906 and 84-911.

Sec. 30. Section 84-907.06, Revised Statutes Cumulative Supplement,
2016, is amended to read:

84-907.06 Whenever an agency proposes to adopt, amend, or repeal a
rule or regulation, the agency shall, (1) at least thirty days before the
public hearing, when notice of a proposed rule or regulation is sent out,
or (2) at the same time the agency requests approval from the Governor
for an emergency rule or regulation under section 84-901.04, the agency
shall send to the Executive Board of the Legislative Council for purposes
of section 84-907.07, if applicable, and the Legislative Office of
Occupational Regulations and the Office of Supervision of Occupational
Boards for purposes of the Occupational Boards Reform Act, if applicable,
(a) a copy of the hearing notice required by section 84-907, (b) a draft
copy of the rule or regulation, and (c) the information provided to the
Governor pursuant to section 84-907.09.

Sec. 31. Section 84-908, Revised Statutes Cumulative Supplement,
2016, is amended to read:

84-908 (1) Except as provided in section 84-901.04, no adoption,
amendment, or repeal of any rule or regulation shall become effective
until the same has been approved by the Office of Supervision of
Occupational Boards, if applicable, and the Governor and filed with the
Secretary of State after a hearing has been set on such rule or
regulation pursuant to section 84-907. When determining whether to
approve the adoption, amendment, or repeal of any rule or regulation
relating to an issue of unique interest to a specific geographic area,
the Governor's considerations shall include, but not be limited to: (a)
Whether adequate notice of hearing was provided in the geographic area
affected by the rule or regulation. Adequate notice shall include, but
not be limited to, the availability of copies of the rule or regulation
at the time notice was given pursuant to section 84-907; and (b) whether
reasonable and convenient opportunity for public comment was provided for
the geographic area affected by the rule or regulation. If a public
hearing was not held in the affected geographic area, reasons shall be
provided by the agency to the Governor. Any rule or regulation properly
adopted by any agency shall be filed with the Secretary of State.

(2) Except as provided in section 84-901.04, no agency shall
utilize, enforce, or attempt to enforce any rule or regulation or
proposed rule or regulation unless the rule, regulation, or proposed rule
or regulation has been approved by the Governor and filed with the
Secretary of State after a hearing pursuant to section 84-907.

Sec. 32. Section 84-910, Reissue Revised Statutes of Nebraska, is
amended to read:

84-910 On or before July 1 of each year, each agency shall notify
the Legislative Performance Audit Committee and the Legislative Office of
Occupational Regulations, if applicable, of the status of all rules and
regulations pending before the agency which have not been adopted and
promulgated. If an additional appropriation was made with respect to
legislation enacted to provide funding for or additional staff to
implement a program for which rules and regulations are required to be
adopted, the notification shall include what the funding has been used
for and what functions the staff have been performing while such rules
and regulations are pending. The format of the notification shall be
established by the committee and the office no later than June 1, 2011,
and shall be updated periodically thereafter.

Sec. 33. Section 84-920, Revised Statutes Cumulative Supplement,
2016, is amended to read:

84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
Act shall be known and may be cited as the Administrative Procedure Act.

Sec. 34. This act becomes operative on January 1, 2018.

Sec. 35. Original sections 84-906.01 and 84-910, Reissue Revised
Statutes of Nebraska, and sections 84-901.02, 84-901.04, 84-906.04,
84-907.06, 84-908, and 84-920, Revised Statutes Cumulative Supplement, 2016, are repealed.