

LEGISLATIVE BILL 751

Approved by the Governor April 17, 2018 (corrected)

Introduced by Legislative Performance Audit Committee: Kuehn, 38, Chairperson; Brieese, 41; Geist, 25; Linehan, 39; Scheer, 19; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901.01 and 84-910, Reissue Revised Statutes of Nebraska; to change provisions relating to agency duties with respect to adoption of rules and regulations; and to repeal the original sections.

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

Section 1. Section 84-901.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-901.01 (1) When legislation is enacted requiring the adoption and promulgation of rules and regulations by an agency, such agency shall adopt and promulgate such rules and regulations within one year after the public hearing required under subsection (2) of section 84-907. Such time shall not include the time necessary for submission of the rules and regulations to the Attorney General pursuant to section 84-905.01 or submission of the rules and regulations to the Governor pursuant to section 84-908. Any agency which does not adopt and promulgate such rules and regulations as required by this section shall, upon request, submit an explanation to the Executive Board of the Legislative Council and the standing committee of the Legislature which has subject matter jurisdiction over the issue involved in the legislation, stating the reasons why it has not adopted such rules and regulations as required by this section, the date by which the agency expects to adopt such rules and regulations, and any suggested statutory changes that may enable the agency to adopt such rules and regulations.

(2) If such agency has not adopted and promulgated such rules and regulations within three years after the operative or effective date of such enacting legislation, the standing committee of the Legislature which has subject matter jurisdiction over the matters included in the legislation shall hold a public hearing to determine the reason that such rules and regulations have not been enacted.

(3) The changes made to the Administrative Procedure Act by Laws 2011, LB617, shall not affect the validity or effectiveness of a rule or regulation adopted prior to May 25, 2011.

(4) The changes made to this section by Laws 2013, LB242, shall apply to legislation enacted before, on, or after September 6, 2013.

Sec. 2. 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 of the status of all rules and regulations pending before the agency which are required by law and which have not been adopted and promulgated. If such rules and regulations have not been adopted and promulgated within the time required pursuant to section 84-901.01, the agency shall provide an explanation to the committee stating why the agency has not adopted and promulgated such rules and regulations. 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 no later than June 1, 2011, and shall be updated thereafter.

Sec. 3. Original sections 84-901.01 and 84-910, Reissue Revised Statutes of Nebraska, are repealed.