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LB 373

the statute said it differently, and I don't think that's appropriate. In 2003, our Supreme Court ruled that the Department of Health and Human Services' regulation regarding a family cap on welfare recipients should not have applied to disabled people. In 2001, the Lancaster District Court ruled that the Department of Health and Human Services had imposed a rule regarding time limits on welfare that was not spelled out by the Legislature. I'm sure each and every one of you that have been in the Legislature for a number of years can come up with examples of legislative...or, excuse me, agency rule making that did not comport with legislative intent. LB 373, as amended, would provide for some legislative oversight on the rule-making process. I'll state to you that we, Nebraska, are one of six states that do not have legislative oversight on the rule-making process. Again, I think that in a response or in anticipation to term limits, this is an absolutely vital area that we must explore. We should make certain that there's only one lawmaking body in the state, and that is the Legislature. When an agency makes law, rather than adopts rules to carry out the law, they've gone too far. LB 373, in my opinion, reins them in and simply limits them to making rules, not laws. With that, I will close and can explain later in greater detail on Senator Fischer's amendment, which I support, that will become the bill.

SENATOR CUDABACK: Thank you, Senator. Heard the opening on LB 373. Open for discussion. Senator Schrock. I'm sorry. I'm sorry, Senator Schrock. I made a mistake. There are Government, Military and Veterans Affairs Committee amendments. Senator Schimek, you're recognized to open.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. The committee advanced the bill on a 7 to 1 vote, with 1 present and not voting; had a good hearing on it and had many, many proponents of this bill, if you'll look at your committee statement. What the committee amendment does is, first, specifies that an agency proposing to adopt, amend, or repeal a rule or regulation must provide the information to the Governor at least 30 days before the public hearing, when notice of a proposed rule or regulation is sent out. The information provided to the Governor by an agency will include the