

NEBRASKA LEGISLATIVE PERFORMANCE AUDIT COMMITTEE

Senator Myron Dorn
Committee Chair
P.O. Box 94604, State Capitol
Lincoln, NE 68509
402-471-2620



Legislative Audit Office
Stephanie Meese, Legislative Auditor
P.O. Box 94604, State Capitol
Lincoln, NE 68509
402-471-1282

Memorandum

To: Members of the Legislature
From: Legislative Audit Office
Date: 10/4/24
Re: Overdue Regulations Report

Overview

Under the Nebraska Administrative Procedure Act (APA), if the Legislature passes a bill requiring an administrative agency to promulgate regulations, the agency must promulgate the regulation within two years of the bill going into effect. Agencies are required to report the status of these regulations to the Legislative Audit Office (LAO) by July 1 each year. Additionally, if mandatory regulations are not promulgated within three years of a bill's effective date, the law requires the relevant legislative standing committee to hold a public hearing.

2024 Report

All required agencies except the Oil and Gas Commission submitted a report to the Office. Two agencies, the Department of Correctional Services and the Public Service Commission, reported regulations that may be overdue; all other agencies reported no overdue regulations. Those reports are attached to this memo. As per LAO practice, the reports were forwarded to Committee Counsels and Committee Chairpersons of the relevant standing committees. We did not verify whether the regulations were in fact mandatory or overdue.



**Legislative Performance Audit Committee
Regulations Report
(Neb. Rev. Stat. § 84-910(1))**

Instructions: Complete each relevant question as instructed. Feel free to add columns to the tables if needed. When complete, please save as a PDF with the agency’s name or acronym in the document title. Reports are due by July 1. To submit, please email the report to the Legislative Audit Office at lpa@leg.ne.gov.

1. Agency: Public Service Commission
2. Year: 2024
3. Did the Legislature pass any bills **requiring your agency to promulgate** regulations that went into effect **2 or more years ago**?
 - Yes
 - No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)
4. Are any of the regulations required by those bills still waiting to be fully promulgated?
 - Yes
 - No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)

If yes, please fill out the table below for each bill/regulation.

Neb. Rev. Stat. § 84-910(1) requires agencies to report on regulations that the Legislature has mandated by law. The Legislative Audit Office interprets this as only regulations where a bill specifically requires an agency to promulgate. This means the bill will contain language like “the agency shall promulgate regulations”. It does not mean a bill that allows an agency to promulgate regulations if necessary or a bill that makes changes to a program in a way that will require an agency to update existing regulations because the law has changed.

If you are unsure about whether a regulation must be reported please follow your agency process for legal questions.

Year Passed	Bill Number	Effective Date of Bill	Subject of Regulation	Reg. Public Hearing Date	Regulation Status
2018	LB 993	4/4/2018	Technical quality assurance, training, and funding standards governing Next Generation 911 service statewide	Pending	A preliminary draft of proposed regulations has been completed. LB 1031, passed during the most recent Legislative session, amended the 911 Service System Act and provided the Commission additional authority that may be incorporated into new rules and regulations. The provisions of LB 1031 will be further evaluated and the Commission will further consult with the 911 Service System Advisory Committee (Committee) to determine whether changes will need to be made to the current draft in light of the new statutes. Once the Committee completes its recommendations, a draft will be submitted to the Commission for approval.

5. Did any of the bills have an appropriation?

Yes

No

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2018	LB 993	Cash funds were transferred into the 911 Service System Fund to hire staff and consultants, and to obtain contractual services to implement Next Generation 911. The funds have been used by the agency for that purpose. The implementation phase of the Next Generation 911 system is still in progress.

6. For each bill, please explain why the regulation has not been promulgated.

Year Passed	Bill Number	Explanation
2018	LB 993	The Committee is responsible for recommending the regulations to be adopted to implement the 911 Service System Act in Nebraska. Pursuant to <i>Neb. Rev. Stat.</i> § 86-1025.01, and as of June 2024, new 3-year appointments to the Committee were required as all member appointments expire at the same time. In light of recent changes to the 911 Service System Act, as well as having new members being appointed to the Committee, additional time is required before the Committee can make final recommendations to the Commission.

7. Who should our office contact with questions about this report?

Name: Gregory Walklin

Email address: gregory.walklin@nebraska.gov

Phone number: 402-471-0232

**Legislative Performance Audit Committee
Regulations Report
(Neb. Rev. Stat. § 84-910(1))**

Instructions: Complete each relevant question as instructed. Feel free to add columns to the tables if needed. When complete, please save as a PDF with the agency’s name or acronym in the document title. Reports are due by July 1. To submit, please email the report to the Legislative Audit Office at lpa@leg.ne.gov.

1. Agency: Nebraska Department of Correctional Services
2. Year: 2024
3. Did the Legislature pass any bills **requiring your agency to promulgate regulations that went into effect 2 or more years ago?**
 - Yes
 - No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)
4. Are any of the regulations required by those bills still waiting to be fully promulgated?
 - Yes
 - No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)

If yes, please fill out the table below for each bill/regulation.

Year Passed	Bill Number	Effective Date of Bill	Subject of Regulation	Reg. Public Hearing Date	Regulation Status
					The agency has implemented all of the required sections by law. The agency will seek a statute

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					change because the regulations are not needed to implement the law. The statute is self-executing.

5. Did any of the bills have an appropriation?

Yes

No

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

6. For each bill, please explain why the regulation has not been promulgated.

Year Passed	Bill Number	Explanation
2019	690	Please reference above explanation.

7. Who should our office contact with questions about this report?

Name: Marcus Miles

Email address: marcus.miles@nebraska.gov

Phone number: 402-479-5712