

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB718

Hearing Date: Friday January 24, 2014
Committee On: Government, Military and Veterans Affairs
Introducer: Crawford
One Liner: Change procedures for adoption of rules and regulations and require publication of certain information

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman
Nay:		
Absent:	1	Senator Lautenbaugh
Present Not Voting:		

Proponents:

Senator Sue Crawford
Alan Peterson
Nick Faustman

Ron Jensen

Julie Kaminski
Molly McCleery
Gavin Geis

Representing:

Introducer
ACLU Nebraska
Nebraska Nursing Facility Association and Nebraska Assisted Living Association
Mosaic and Nebraska Intellectual Disabilities Services Providers
LeadingAge Nebraska
Nebraska Appleseed
Common Cause Nebraska

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 718 requires each state agency to prepare a semiannual agenda for rules and regulations under development or review or planned development or review. Each agency will file a certified copy of the agenda with the Secretary of State 30 days after the end of each regular legislation session and by October 15th.

The Secretary of State will make a permanent file of all agendas which will be updated and kept current and open to public inspection.

Under the bill, an agency may not adopt, amend, or repeal a rule or regulation that is not included on the agenda except when the proposed rule or regulation is 1) in response to a natural disaster, 2) required by federal law, 3) related to the loss or access to additional federal funds, or 4) as a result of a state or federal court decision.

The bill also makes changes to the public hearing notice requirements of agencies proposing to adopt, amend, or repeal a rule or regulation. The notice will include the identification of the specific authorizing statute and the specific statute

interpreted or implemented by the rule and regulation. It also requires the fiscal impact statement to be available on the Secretary of State's web site.

Finally, the Secretary of State will maintain a list of subscribers who wish to receive notice of the filing of an agenda for rules and regulations under development or review. Currently, the Secretary of State maintains a list of subscribers who wish to receive notice of public hearings on rules and regulations.

Explanation of amendments:

The committee amendment makes two changes to the bill.

First, the committee amendment adds language clarifying that a declaration of emergency must be made by the Governor or the President of the United States. Secondly, the amendment adds loss of state funds, in addition to loss of federal funds, as a reason to adopt a rule or regulation that has not appeared on an agenda.

Bill Avery, Chairperson