

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB98

Hearing Date: Friday February 08, 2013
Committee On: Government, Military and Veterans Affairs
Introducer: Mello
One Liner: Change provisions relating to administrative rules

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

Vote Results:

Aye: 8 Senators Avery, Bloomfield, Karpisek, Lautenbaugh, Murante, Price, Scheer, Wallman

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Heath Mello
Marshall Lux
Robert McEwen
Bruce Rieker
Nick Faustman

Representing:

Introducer
State Ombudsman's Office
Nebraska Appleseed
Nebraska Hospital Association
Nebraska Health Care Association

Opponents:

Wendy Wussow

Representing:

Nebraska State Patrol

Neutral:

Representing:

Summary of purpose and/or changes:

LB 98 amends the Administrative Procedures Act to prohibit any agency from utilizing, enforcing or attempting to enforce any rule or regulation or proposed rule or regulation unless the rule or regulation has been approved by the Governor and filed with the Secretary of State after a public hearing.

The bill also allows the Public Counsel, otherwise known as the Legislative Ombudsman, to investigate allegations of an administrative agency utilizing or enforcing a rule or regulation before it has been approved by the Governor and filed with the Secretary of State after a public hearing.

The Public Counsel will report his or her determination in writing to the Governor, Secretary of State, Attorney General, the Executive Board of the Legislative Council, and the director or chief executive officer of the agency.

Finally, the bill allows a court to award reasonable attorney's fees and court costs to the party who successfully challenged the rule or regulation when the rule or regulation is declared invalid because it was adopted without compliance with the statutes.

Explanation of amendments:

The committee amendment removes the provision allowing a court to award reasonable attorney's fees and court costs to the party who successfully challenged the rule or regulation when the rule or regulation is declared invalid.

Bill Avery, Chairperson