

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 242

Introduced by Howard, 9; Mello, 5.

Read first time January 16, 2013

Committee: Executive Board

A BILL

1 FOR AN ACT relating to administrative rules and regulations; to amend
2 section 84-901.01, Revised Statutes Cumulative
3 Supplement, 2012; to change provisions relating to
4 adoption and promulgation of rules and regulations; to
5 harmonize provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-901.01, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 84-901.01 (1) When legislation is enacted requiring the
4 adoption and promulgation of rules and regulations by an agency, such
5 agency shall adopt and promulgate such rules and regulations within
6 one year after the public hearing required under subsection (2) of
7 section 84-907. Such time shall not include the time necessary for
8 submission of the rules and regulations to the Attorney General
9 pursuant to section 84-905.01 or submission of the rules and
10 regulations to the Governor pursuant to section 84-908. Any agency
11 which does not adopt and promulgate such rules and regulations as
12 required by this section shall submit electronically an explanation
13 to the Executive Board of the Legislative Council and the standing
14 committee of the Legislature which has subject matter jurisdiction
15 over the issue involved in the legislation, stating the reasons why
16 it has not adopted such rules and regulations as required by this
17 section, the date by which the agency expects to adopt such rules and
18 regulations, and any suggested statutory changes that may enable the
19 agency to adopt such rules and regulations.

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

1 enacted.

2 ~~(2)~~(3) The changes made to the Administrative Procedure
3 Act by Laws 2011, LB617, shall not affect the validity or
4 effectiveness of a rule or regulation adopted prior to May 25, 2011.

5 (4) The changes made to this section by this legislative
6 bill shall apply to legislation enacted before, on, or after the
7 effective date of this act.

8 Sec. 2. Original section 84-901.01, Revised Statutes
9 Cumulative Supplement, 2012, is repealed.