

AMENDMENTS TO LB565

Introduced by Quick, 35.

1           1. Strike the original sections and insert the following new  
2 sections:

3           **Section 1.** Section 84-901.03, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           84-901.03 (1) Upon the issuance of a guidance document, an agency  
6 shall make such document available at one public location and on the  
7 agency's website. The agency shall also publish on its website an index  
8 summarizing the subject matter of all currently applicable rules and  
9 regulations and guidance documents. Such agency shall provide the index  
10 electronically to the Clerk of the Legislature by December 31 of each  
11 year.

12           (2) An agency shall ensure that the first page of each guidance  
13 document includes the following notice: This guidance document is  
14 advisory in nature but is binding on an agency until amended by such  
15 agency. A guidance document does not include internal procedural  
16 documents that only affect the internal operations of the agency and does  
17 not impose additional requirements or penalties on regulated parties or  
18 include confidential information or rules and regulations made in  
19 accordance with the Administrative Procedure Act. If you believe that  
20 this guidance document imposes additional requirements or penalties on  
21 regulated parties, you may request a review of the document.

22           (3) A person may request in writing that an agency revise or repeal  
23 a guidance document or convert a guidance document into a rule or  
24 regulation. No later than sixty calendar days after the agency receives  
25 such a request, the agency shall advise the requestor in writing of its  
26 decision to (a) revise or repeal the guidance document, (b) initiate a  
27 proceeding to consider a revision or repeal of a guidance document, (c)

1 initiate the rulemaking or regulationmaking process to convert the  
2 guidance document into a rule or regulation, or (d) deny the request and  
3 state the reason for the denial.

4 (4) All decisions made by an agency under this section shall be made  
5 available at one public location and on the agency's website.

6 (5) All guidance documents and provider bulletins issued by the  
7 Division of Developmental Disabilities of the Department of Health and  
8 Human Services on or after July 1, 2022, and before July 1, 2025, are  
9 revoked pending a formal rulemaking process as provided in the  
10 Administrative Procedure Act unless explicitly required for federal  
11 compliance. The Division of Developmental Disabilities of the Department  
12 of Health and Human Services shall not issue guidance documents on or  
13 after July 1, 2025, and before July 1, 2027, unless specifically required  
14 by amendments to existing federal rules or to become compliant with new  
15 federal rules and regulations.

16 **Sec. 2.** This act becomes operative on July 1, 2025.

17 **Sec. 3.** Original section 84-901.03, Reissue Revised Statutes of  
18 Nebraska, is repealed.

19 **Sec. 4.** Since an emergency exists, this act takes effect when  
20 passed and approved according to law.