

AMENDMENTS TO LB720

Introduced by Executive Board

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

3           Section 1. Section 84-907.10, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           84-907.10 ~~(1) After an agency submits a copy of each~~  
6 ~~amendment or rule or regulation pursuant to section 84-907.06, or~~  
7 ~~any time thereafter, (1) If any member of the Legislature who feels~~  
8 ~~aggrieved by a rule or regulation or by the proposed adoption,~~  
9 ~~amendment, or repeal of a rule, or regulation pursuant to section~~  
10 ~~84-907.06 or believes that the (a) a rule or regulation or the~~  
11 ~~adoption, amendment, rule, or regulation or repeal of a rule or~~  
12 ~~regulation is in excess of the statutory authority or jurisdiction~~  
13 ~~of the agency, is unconstitutional, or is inconsistent with the~~  
14 ~~legislative intent of the authorizing statute, or creates an undue~~  
15 ~~burden in a manner that significantly outweighs its benefit to~~  
16 ~~the public, (b) circumstances have changed since the passage of~~  
17 ~~the statute which a rule or regulation implements, or (c) a rule~~  
18 ~~or regulation or an amendment or repeal overlaps, duplicates, or~~  
19 ~~conflicts with federal, state, or local laws, rules, regulations,~~  
20 ~~or ordinances, the member may file a complaint with the Chairperson~~  
21 ~~of the Executive Board of the Legislative Council. The complaint~~  
22 ~~shall explain in detail the member's contentions.~~

23           (2) The chairperson of the executive board or a committee

1 staff member of the executive board shall refer the complaint  
2 to the chairperson of the standing committee of the Legislature  
3 which has subject matter jurisdiction over the issue involved in  
4 the rule or regulation or which has traditionally handled the  
5 issue and, if practicable, to the member of the Legislature who  
6 was the primary sponsor of the legislative bill that granted  
7 the agency the rulemaking authority if the member is still  
8 serving or, if the legislative bill was amended to include the  
9 rulemaking authority, to the primary sponsor of the amendment  
10 granting rulemaking authority if the member is still serving.

11 (3) The standing committee and primary sponsor of the  
12 legislative bill or amendment granting rulemaking authority may  
13 consider the complaint and, if such committee or primary sponsor  
14 concludes that the complaint has merit, then such committee or  
15 primary sponsor may request a written response from the agency  
16 which shall include, but not be limited to (a) a description of the  
17 amendment or rule or regulation, (b) when applicable, a description  
18 of the legislative intent of the statute granting the agency  
19 rulemaking authority and a statement explaining how the rule or  
20 regulation or the adoption, amendment, or repeal of the ~~or~~ rule or  
21 regulation is within the authority or jurisdiction of the agency,  
22 is constitutional, is consistent with legislative intent, or is not  
23 an undue burden, (c) if the description required in subdivision (b)  
24 of this subsection is inapplicable, an explanation as to why the  
25 rule or regulation or the adoption, amendment, or repeal ~~or rule or~~  
26 ~~regulation~~ is necessary, and (d) an explanation of the extent to  
27 which and how any public comment was taken into consideration by

1 the agency with respect to the rule or regulation or the adoption,  
2 amendment, or repeal. ~~or rule or regulation.~~ The agency shall  
3 respond within sixty days of a request, and such response shall be  
4 a public record.

5 (4) Nothing in this section shall be construed to  
6 prohibit the adoption or promulgation of the rule or regulation  
7 in accordance with other ~~sections~~ provisions of the Administrative  
8 Procedure Act.

9 Sec. 2. Original section 84-907.10, Reissue Revised  
10 Statutes of Nebraska, is repealed.