

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB242**

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**Hearing Date:** Monday February 11, 2013  
**Committee On:** Executive Board  
**Introducer:** Howard  
**One Liner:** Change provisions relating to adoption of administrative rules and regulations

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

<b>Aye:</b>	8	Senators Adams, Avery, Campbell, Christensen, Karpisek, Krist, Lathrop, Wightman
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Chambers
<b>Present Not Voting:</b>		

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**Proponents:**

Senator Sara Howard  
Terry Werner  
  
Anne Buettner  
Ron Jensen  
Pete McClymont  
William Spaulding  
Matthew Mims  
Susan Feyen

**Representing:**

Introducer  
Nebraska Chapter National Association of Social Workers  
Nebraska Association for Marriage and Family Therapy  
Nebraska Intellectual Disabilities Services Providers  
Nebraska Cattlemen  
Nebraska Psychological Association  
University of Kearney  
Mental Health Practitioners

**Opponents:**

**Representing:**

**Neutral:**

Martha Carter

**Representing:**

Performance Audit

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**Summary of purpose and/or changes:**

Currently, Nebraska law requires that a public hearing on a rule or regulation that is required to be adopted, amended, or repealed based upon a legislative bill be held within twelve months after the effective or operative date of the legislative bill. (Section 84-907)

Section 84-901.01 then requires an agency to adopt and promulgate rules and regulations within one year after the public hearing. (Such time shall not include the time necessary for submission of the rules and regulations to the Attorney General or the Governor.)

For rules or regulations required by a legislative bill passed after May 25, 2011 (LB 617, 2011), if the agency does not adopt and promulgate rules and regulations within the one year time frame, the agency shall submit electronically an explanation to the Executive Board and the standing committee of the Legislature which has subject matter jurisdiction over the issue involved in the legislation, stating the reasons why it has not adopted such rules and regulations as required by this section, the date the agency expects to adopt the rules and regulations, and any suggested statutory

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changes that may enable the agency to adopt such rules and regulations.

Or before July 1, of each year, each agency shall provide to the Legislative Performance Audit Committee a status report on all rules and regulations pending before the agency which have not been adopted and promulgated. In addition, if an appropriation was made with respect to the legislation, the status report shall include what the funding has been used for and what duties staff have been performing while such rules and regulations are pending.

LB 242 proposes an additional requirement that if an agency has not adopted and promulgated rules and regulations within three years after the operative or effective date of the enacting legislation, the standing committee which has subject matter jurisdiction over the matters included in the legislation, shall hold a public hearing to determine the reason that the rules and regulations have not been enacted.

LB 242 specifically provides that the changes made to this section shall apply to legislation enacted before, on, or after the effective date of this act.

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John Wightman, Chairperson