

NEBRASKA LEGISLATIVE OVERSIGHT COMMITTEE

Senator Myron Dorn
Committee Chair
P.O. Box 94604, State Capitol
Lincoln, NE 68509
402-471-2620



Division of Legislative Oversight
Stephanie Meese, Interim Director
P.O. Box 94604, State Capitol
Lincoln, NE 68509
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Memorandum

To: Members of the Legislature
From: Legislative Audit Office
Date: 9/8/2025
Re: Overdue Regulations Report

Overview

Under the Nebraska Administrative Procedure Act (APA), if the Legislature passes a bill requiring an administrative agency to promulgate regulations, the agency must promulgate the regulation within two years of the bill going into effect. Agencies are required to report the status of these regulations to the Legislative Audit Office (Office) by July 1 each year. Additionally, if mandatory regulations are not promulgated within three years of a bill's effective date, the law requires the relevant legislative standing committee to hold a public hearing.

2025 Report

All required agencies except the Abstracters Board of Examiners submitted a report to the Office. Three agencies, the Department of Health and Human Services, the Commission for Postsecondary Education, and the Public Service Commission, reported regulations that may be overdue. Those reports are attached to this memo. As per Office practice, the reports were forwarded to counsels and chairpersons of the relevant standing committees.



**Legislative Performance Audit Committee
Regulations Report
(Neb. Rev. Stat. § 84-910(1))**

Instructions: Complete each relevant question as instructed. Feel free to add columns to the tables if needed. When complete, please save as a PDF with the agency's name or acronym in the document title. Reports are due by July 1. To submit, please email the report to the Legislative Audit Office at lpa@leg.ne.gov.

1. Agency: Coordinating Commission for Postsecondary Education
2. Year: 2025
3. Did the Legislature pass any bills **requiring your agency to promulgate** regulations that went into effect **2 or more years ago**?
☒ Yes
☐ No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)
4. Are any of the regulations required by those bills still waiting to be fully promulgated?
☒ Yes
☐ No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)

If yes, please fill out the table below for each bill/regulation.

| Year Passed | Bill Number | Effective Date of Bill | Subject of Regulation | Reg. Public Hearing Date | Regulation Status |
|-------------|-------------|------------------------|----------------------------|--------------------------|--------------------------------|
| 2023 | 705 | June 1, 2023 | Excellence in Teaching Act | Sept. 19, 2024 | Waiting for Governor signature |
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Neb. Rev. Stat. § 84-910(1) requires agencies to report on regulations that the Legislature has mandated by law. The Legislative Audit Office interprets this as only regulations where a bill specifically requires an agency to promulgate. This means the bill will contain language like “the agency shall promulgate regulations”. It does not mean a bill that allows an agency to promulgate regulations if necessary or a bill that makes changes to a program in a way that will require an agency to update existing regulations because the law has changed.

If you are unsure about whether a regulation must be reported please follow your agency process for legal questions.

5. Did any of the bills have an appropriation?

☐ Yes

☒ No

If yes, how are the funds being used while the promulgation process takes place?

| Year Passed | Bill Number | Appropriation Status |
|-------------|-------------|----------------------|
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6. For each bill, please explain why the regulation has not been promulgated.

| Year Passed | Bill Number | Explanation |
|-------------|-------------|--------------------------------|
| 2023 | 705 | Waiting for Governor Signature |
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7. Who should our office contact with questions about this report?

Name: Gary Timm

Email address: gary.timm@nebraska.gov

Phone number: 402.471.0020

**Legislative Performance Audit Committee
Regulations Report
(Neb. Rev. Stat. § 84-910(1))**

Instructions: Complete each relevant question as instructed. Feel free to add columns to the tables if needed. When complete, please save as a PDF with the agency's name or acronym in the document title. Reports are due by July 1. To submit, please email the report to the Legislative Audit Office at lpa@leg.ne.gov.

1. Agency: Public Service Commission
2. Year: 2025
3. Did the Legislature pass any bills **requiring your agency to promulgate** regulations that went into effect **2 or more years ago**?
 - ☒ Yes
 - ☐ No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)
4. Are any of the regulations required by those bills still waiting to be fully promulgated?
 - ☒ Yes
 - ☐ No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)

If yes, please fill out the table below for each bill/regulation.

Neb. Rev. Stat. § 84-910(1) requires agencies to report on regulations that the Legislature has mandated by law. The Legislative Audit Office interprets this as only regulations where a bill specifically requires an agency to promulgate. This means the bill will contain language like "the agency shall promulgate regulations". It does not mean a bill that allows an agency to promulgate regulations if necessary or a bill that makes changes to a program in a way that will require an agency to update existing regulations because the law has changed.

If you are unsure about whether a regulation must be reported please follow your agency process for legal questions.

| Year Passed | Bill Number | Effective Date of Bill | Subject of Regulation | Reg. Public Hearing Date | Regulation Status |
|-------------|-------------|------------------------|--|--------------------------|--|
| 2018 | LB 993 | 4/4/2018 | Technical quality assurance, training, and funding standards governing Next Generation 911 service statewide | June 3, 2025 | As required by statute, the 911 Service System Advisory Committee (Committee) reviewed a final draft of the regulation and recommended approval to the Commission on May 28, 2025. A public hearing was held on June 3, 3035. Once the transcript of that hearing is received, the Commission will issue an order adopting the regulation draft and the regulation will begin the Attorney General and Gubernatorial review process as outlined in the Administrative Procedure Act. |

5. Did any of the bills have an appropriation?

☒ Yes

☐ No

If yes, how are the funds being used while the promulgation process takes place?

| Year Passed | Bill Number | Appropriation Status |
|-------------|-------------|--|
| 2018 | LB 993 | Cash funds were transferred into the 911 Service System Fund to hire staff and consultants, and to obtain contractual services to implement Next Generation 911. The funds have been used by the agency for that purpose. The implementation phase of the Next Generation 911 system is still in progress. |
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6. For each bill, please explain why the regulation has not been promulgated.

| Year Passed | Bill Number | Explanation |
|-------------|-------------|---|
| 2018 | LB 993 | As noted above, the regulations are currently in process of promulgation. Importantly, before the formal promulgation process on the regulation could take place, the drafted regulations had to be approved by the Committee. As provided in last year's report, the entire Committee had to be appointed or reappointed (as all previous terms ended at the same time), taking additional time to prepare and review the drafted regulations. This year, a working group of the Committee and the PSC's 911 department staff did review and approve the drafted regulations. As well, the 911 department staff made additional changes to the drafted regulations to reflect requirements contained in LB 362 (2025) and LB 1031 (2024), which had been passed during the drafting and Committee approval processes. LB 362, in particular, was brought by the Commission to eliminate inconsistencies and redundancies among several 911 statutes. |

7. Who should our office contact with questions about this report?

Name: Gregory Walklin

Email address: gregory.walklin@nebraska.gov

Phone number: 402-471-0232

**Legislative Performance Audit Committee
Regulations Report
(Neb. Rev. Stat. § 84-910(1))**

Instructions: Complete each relevant question as instructed. Feel free to add columns to the tables if needed. When complete, please save as a PDF with the agency's name or acronym in the document title. Reports are due by July 1. To submit, please email the report to the Legislative Audit Office at lpa@leg.ne.gov.

1. Agency: Department of Health and Human Services
2. Year: 2025
3. Did the Legislature pass any bills **requiring your agency to promulgate** regulations that went into effect **two or more years ago**?
☒ Yes
☐ No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)
4. Are any of the regulations required by those bills still waiting to be fully promulgated?
☒ Yes
☐ No (If no, there is no need to answer further questions. Please submit the report via email to the LAO.)

If yes, please fill out the table below for each bill/regulation.

| Year Passed | Bill Number | Effective Date of Bill | Subject of Regulation | Reg. Public Hearing Date | Regulation Status |
|-------------|-------------|-----------------------------|--------------------------------|--------------------------|--|
| 2023 | 276 | ER Clause 5/19/23, Governor | Certified Community Behavioral | July 17, 2025 | The public hearing is scheduled for July 17, 2025. |

Neb. Rev. Stat. § 84-910(1) requires agencies to report on regulations that the Legislature has mandated by law. The Legislative Audit Office interprets this as only regulations where a bill specifically requires an agency to promulgate. This means the bill will contain language like “the agency shall promulgate regulations”. It does not mean a bill that allows an agency to promulgate regulations if necessary or a bill that makes changes to a program in a way that will require an agency to update existing regulations because the law has changed.

If you are unsure about whether a regulation must be reported, please follow your agency process for legal questions.

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| | | approved 5/25/23 | Health Clinic Act 471 NAC 20, 32, & 35 | | |
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5. Did any of the bills have an appropriation?

☒ Yes

☐ No

If yes, how are the funds being used while the promulgation process takes place?

| Year Passed | Bill Number | Appropriation Status |
|----------------|-------------|---|
| 2023 | 276A | The program is expending the funds appropriated in LB276A to pay for the costs to develop the program, such as to develop coverage criteria, collect cost report information to develop Perspective Payment System rates, certify participating providers, and seek federal approval of the program. While the department does not have regulations promulgated, the program development work has been underway and is on schedule to be completed to adhere to the coverage of the Certified Community Behavioral Health Clinic (CCBHC) service on January 1, 2026, as required per statute. |
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6. For each bill, please explain why the regulation has not been promulgated.

| Year Passed | Bill Number | Explanation |
|----------------|-------------|--|
| 2023 | 276 | The collaboration required by LB276 to build a new model with input from CCBHCs necessarily delayed promulgation of regulations to ensure the required alignment of payment systems and services were in place and appropriate for implementation of the CCBHC program to meet the intentions of LB276. In addition to adding the required |

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| | | regulatory requirements, comprehensive changes to all impacted chapters were made to ensure the chapters are the least restrictive while still meeting the statutory requirements. As the regulations had neared drafting completion, the comprehensive changes referenced required substantial additional edits to ensure compliance with regulatory strategy and the intent of LB276. |
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7. Who should our office contact with questions about this report?

Name: Jaime Hegr

Email address: jaime.hegr@nebraska.gov

Phone number: 402-471-7240