

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 435

Introduced by Pahls, 31.

Read first time January 14, 2011

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Department of Economic Development; to
2 amend sections 81-1201.01, 81-1201.03, 81-1201.07, and
3 81-1201.20, Reissue Revised Statutes of Nebraska; to
4 create the Business Ombudsman Division; to provide powers
5 and duties; to harmonize provisions; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1201.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 81-1201.01 As used in sections 81-1201.01 to 81-1201.22
4 and section 4 of this act, unless the context otherwise requires:

5 (1) Commission shall mean the Economic Development
6 Commission;

7 (2) Community Development Block Grant shall mean the
8 grants distributed pursuant to the Housing and Community Development
9 Act of 1974 as amended by the Housing and Urban-Rural Recovery Act of
10 1983;

11 (3) Department shall mean the Department of Economic
12 Development;

13 (4) Director shall mean the Director of Economic
14 Development;

15 (5) Economic articulation shall mean the creation of
16 economic activities which will provide inputs to and markets for
17 other businesses in the state;

18 (6) Educational institutions shall mean nonprofit public
19 and private colleges, community colleges, state colleges, and
20 universities in the state; and

21 (7) Value-adding industry shall mean an economic
22 enterprise that adds value through processing, fabrication, or other
23 means to goods or services.

24 Sec. 2. Section 81-1201.03, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-1201.03 The chief executive officer of the department
2 shall be the Director of Economic Development who shall be appointed
3 by the Governor with the consent of a majority of the Legislature.
4 The director shall administer the affairs of the department and shall
5 serve at the pleasure of the Governor. The director shall have equal
6 rank with the heads of other state departments, and his or her salary
7 shall be fixed by the Governor with the advice of the commission. The
8 director shall employ a deputy director with significant and
9 extensive professional experience in the field of economic
10 development. The director shall employ division directors and such
11 other assistants, professional staff, and other employees as he or
12 she deems necessary to effectively carry out sections 81-1201.01 to
13 81-1201.20 and section 4 of this act within the appropriations the
14 Legislature provides.

15 Sec. 3. Section 81-1201.07, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-1201.07 The department may have the divisions and
18 program listed in this section to aid in the discharge of its duties
19 but shall not be limited to such divisions and program: (1) An
20 Existing Business Assistance Division; (2) a Business Recruitment
21 Division; (3) a Travel and Tourism Division; (4) a Community and
22 Rural Development Division; (5) a Business Ombudsman Division; and
23 ~~(5)~~(6) a Community Development Block Grant Program. Each division
24 and program, when deemed appropriate by the director, is encouraged
25 to establish advisory committees and programs to insure public

1 participation and input.

2 Sec. 4. (1) The Business Ombudsman Division shall provide
3 assistance to any business that is subject to the regulatory
4 authority of any state agency, including any business subject to
5 regulatory audits, inspections, compliance efforts, or any other
6 regulatory enforcement related communication, contact, or effort by
7 the state agency. The Business Ombudsman Division shall determine
8 what assistance is prudent for the circumstances.

9 (2) The Business Ombudsman Division may act as an
10 ombudsman, advocate, intervenor, mediator, or assistant to the
11 business seeking assistance and shall have the authority to
12 communicate concerns of the business or its owner, personnel, or
13 agents to the employees, agents, or other appropriate personnel
14 within the state agency and to assist in mediating any differences
15 between the business and the state agency that have arisen as a
16 result of the agency's regulatory authority over the business.

17 (3) It shall be the duty of the regulatory personnel and
18 agents of every state agency to cooperate with the Business Ombudsman
19 Division's communication and mediation efforts on behalf of a
20 business.

21 (4) The Business Ombudsman Division shall assist in
22 settling any disagreements or discrepancies that may arise between a
23 business and a state agency with regulatory authority over that
24 business or its business activities, when requested by a business.
25 The division shall endeavor to reach a timely, fair, and suitable

1 compromise or settlement of the disagreement or discrepancy, if
2 possible.

3 (5) The Business Ombudsman Division shall not have the
4 authority to suspend or interfere with any state agency's regulatory
5 authority.

6 (6) The Business Ombudsman Division shall annually report
7 to the Governor and the Legislature the number of times the division
8 acted on behalf of a business under this section and any other
9 information the division deems necessary. The division's report shall
10 indicate which state agencies were involved and the rules and
11 regulations under which the agencies were operating when the
12 division's assistance was sought.

13 Sec. 5. Section 81-1201.20, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-1201.20 The department shall adopt and promulgate
16 rules and regulations to carry out sections 81-1201.01 to 81-1201.20
17 and section 4 of this act.

18 Sec. 6. Original sections 81-1201.01, 81-1201.03,
19 81-1201.07, and 81-1201.20, Reissue Revised Statutes of Nebraska, are
20 repealed.