

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

COMMITTEE STATEMENT

LB720

Hearing Date: Thursday February 06, 2014
Committee On: Executive Board
Introducer: Crawford
One Liner: Provide and change complaint procedures for rules and regulations

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

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

Proponents:

Senator Sue Crawford
Kent Rogert

Alan Peterson
Loran Schmit
Jerusha Hancock
Gavin Geis

Representing:

Introducer
Nebraska Intellectual Disability Service Providers /
Leading Age Nebraska
ACLU of Nebraska
Self
Nebraska Appleseed
Common Cause of Nebraska

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Currently, a member of the Legislature who feels aggrieved by an amendment, rule or regulation may file a complaint with the Chair of the Executive Board, who then forwards the complaint to the committee with subject matter jurisdiction and the primary sponsor of the bill or amendment authorizing the rulemaking authority.

LB 720 would expand this process by authorizing a governing body of any political subdivision or a member of the public to file a complaint regarding rules and regulations with the Executive Board for reasons set forth in current law and new reasons identified in LB 720.

The new, expanded reasons for a political subdivision to file a complaint would include the belief that the rule or regulation creates an undue burden to the public, circumstances have changed since the passage of the statute which the rule or regulation implements, or the rule or regulation or the amendment or repeal overlaps, duplicates, or conflicts with federal, state, or local laws, rules, regulations, or ordinances. The complaint would be required to explain in detail the governing body's contentions.

The new, expanded reasons for a complaint to be filed by a member of the public would include situations where (1) a person believes the rule or regulation or the adoption, amendment, or repeal: is in excess of the statutory authority or jurisdiction of the agency; is unconstitutional; is inconsistent with the legislative intent of the authorizing statute; (2) a member of the public feels aggrieved by a rule or regulation or by its adoption or repeal, or believes that it is: in excess of the statutory authority or jurisdiction of the agency; is unconstitutional; is inconsistent with the legislative intent of the

authorizing statute; creates an undue burden to the public; circumstances have changed since the passage of the statute which the rule or regulation implements; or the rule or regulation or amendment or repeal overlaps, duplicates, or conflicts with federal, state, or local laws, rules, regulations, or ordinances.

A complaint by a member of the public would be required to be signed by at least one hundred registered voters, filed with the Chairperson of the Executive Board and include an explanation of the person's contentions.

Once the complaint is filed, the Chairperson of the Executive Board would forward the complaint to the chairperson of the standing committee which has subject-matter jurisdiction and to the primary sponsor of the bill or amendment granting the rule-making authority.

Explanation of amendments:

The committee amendment strikes the original sections, but retains the provisions regarding the additional criteria under which a complaint may be filed and the expansion of the process to existing rules and regulations or their repeal. However, only a member of the Legislature can file a complaint, as current law provides.

Additional criteria for filing a complaint include that the rule or regulation creates an undue burden, circumstances have changed since the passage of the statute which a rule or regulations implements, or the rule or regulation overlaps, duplicates, or conflicts with other laws, rules or ordinances.

John Wightman, Chairperson