

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB720

Chairperson: Senator John Wightman

Committee: Executive Board

Date of Hearing: February 06, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 720 makes changes to the complaint procedure found in Section 84-907.10 of Nebraska Revised Statutes.

Section 84-907.10 provides a process for senators to file a complaint regarding proposed regulations on the basis that the proposed rule is in excess of statutory authority, is unconstitutional or is inconsistent with the legislative intent of the authorizing statute. The complaint is then filed with the Executive Board, who then refers the complaint to the standing committee with subject matter jurisdiction as well as the primary sponsor of the bill or amendment that granted the agency the rulemaking authority. The standing committee may consider the complaint and if the standing committee concludes the complaint has merit, the committee may request a written response from the agency. The agency must respond to this request within 60 days at which point it becomes a public record.

LB 720 adds additional criteria under which a complaint may be filed. This additional criteria includes:

1. The regulation creates an undue burden in a manner that significantly outweighs its benefit to the public;
2. Circumstances have changed since the passage of the statute which the rule implements; or
3. Rule overlaps, duplicates or conflicts with federal, state or local laws, rules, regulations or ordinances.

LB 720 adds existing rules and regulations as well as the repeal of existing rules and regulations as additional scenarios in which the complaint procedure under LB 720 may be used.

The bill also creates a similar process for political subdivisions or a group of at least 100 registered voters to file these types of complaints.

Principal Introducer: _____

Senator Sue Crawford