

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB948

Hearing Date: Thursday February 15, 2018
Committee On: Government, Military and Veterans Affairs
Introducer: Murante
One Liner: Change and eliminate provisions relating to rules and regulations

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator John Murante
Bo Botelho
Jim Macy
Bruce Ramge
Tim Texel

Representing:

Introducer
NE Department of Health and Human Services
Dept. of Environmental Quality
NE Dept. of Insurance
Nebraska Power Review Board

Opponents:

Representing:

Neutral:

Nicole Fox

Representing:

Platte Institute for Economic Research

Summary of purpose and/or changes:

LB 948 accomplishes two policy goals.

Frist, the bill deals with unnecessary or redundant regulations. In many places in law, the word "shall" precedes a directive for an agency to promulgate rules and regulations. This requires the agency to do so regardless of the circumstances. The bill would change this mandatory language to the permissive, "may", for certain policy areas that have been identified by agencies as either not needing certain regulations or where the regulation would simply be a restatement of the statute. The bill changes regulations for the following subject areas to permissive language:

- Insurance notices for aircraft rentals
 - Economic development district annual performance and financial reports
 - The Enterprise Zone Act
 - The Civic and Community Center Financing Act
 - Motor boat certificates
 - The Protection from Domestic Abuse Act
 - Retirement, disability, and life insurance policy standards
 - The Environmental Quality Council
 - The Anatomical Gift Act
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- The release of deceased motor vehicle operator information
- Water rights
- Consumer rental purchase agreement disclosures
- The Native American Public Health Act
- Verification of compliance with the International Energy Conservation Code
- DAS approval of personal services provided by private entities for state entities
- Appraisals of county property
- County assessor educational certification
- The Property Tax Administrator
- Property appraisal standards
- Special valuation eligibility
- Tax collection
- Tobacco tax enforcement
- The Employment and Investment Growth Act
- Controlled substances taxes
- Renewable energy generation taxes
- The State Tort Claims Act
- The Building Development Act
- Administration of the Nebraska Energy Code

Second, the bill requires that agencies follow the APA rules promulgated by the Attorney General. Any agency wishing to differ from the Attorney General's rules must issue a finding stating why the relevant portions of the Attorney General's rules were impracticable under the circumstances. Currently, the Attorney General issues model rules for each agency, which the agency can either accept or reject in whole or in part.

Explanation of amendments:

AM 1931 does not make any changes to the text of the introduced bill, but makes additional regulations permissive

The amendment changes regulations for the following subject areas to permissive language:

- Elections held by mail
- The Water Resources Trust Fund
- The Motor Vehicle Operator's License Act

John Murante, Chairperson