

One Hundred Fifth Legislature - Second Session - 2018

Introducer's Statement of Intent

LB948

Chairperson: Senator John Murante

Committee: Government, Military and Veterans Affairs

Date of Hearing: February 15, 2018

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

LB 948 accomplishes two policy goals.

First, 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.

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. This eliminates the redundant process of an agency re-promulgating rules. Currently, the Attorney General issues model rules for each agency, which the agency can either accept or reject in whole or in part. If they reject the rules, they must promulgate their own.

Principal Introducer: _____

Senator John Murante