

Legislative Performance Audit Committee

Memorandum

To: Members of the Legislature
From: Legislative Audit Office
Date: February 8, 2018
Re: Overdue Regulations

Overview

By law, state agencies subject to the Administrative Procedure Act (APA) are required to report the status of regulations that are required by statute (“mandatory regulations”) to the Legislative Audit Office by July 1 each year.¹ Additionally, for regulations not developed within three years of the bills’ effective dates, the law requires the relevant legislative standing committee to hold a public hearing on the regulations.

In 2017, the Audit Office received reports from 64 of the 66 agencies subject to the APA.² Twenty of the 64 agencies reported mandatory regulations, six of which reported mandatory regulations relating to bills that went into effect more than three years ago. As shown in the table below, five of the six agencies have not promulgated rules required by seven bills. The sixth agency, DHHS, has substantially more overdue regulations than any other agency.

2017 Overdue Regulations Required by Law

Agency	Bill Number	Year	Committee with Jurisdiction
Corrections	446	1994	Government
Motor Vehicles	983	2014	Transportation
	998	2014	Judiciary
Fire Marshal	880	2010	Judiciary
Tourism	1053	2012	Government
Secretary of State	Laws	1947	Revenue
	964	1996	Government
Department of Health and Human Services	Multiple	*	Health & Human Services

Source: Agency reports to the Legislative Audit Office.

*See attached report for details.

¹ Agencies are governed by the APA if they have the authority to make rules and regulations. The Legislature, Commission on Industrial Relations, Nebraska Workers’ Compensation Court, and the Adjutant General’s Office are not considered agencies under the Act. The Secretary of State is considered an agency, except when carrying out the requirements of the APA. The Parole Board may be considered an agency, but it is specifically exempt from the APA under Neb. Rev. Stat. § 83-199.

² The Dairy Industry Development Board and the Dry Bean Commission did not submit reports.

The reports received from agencies in 2017 are attached to this memo.

Background

Prior to 2011, Nebraska law did not dictate how long an agency could take to adopt and promulgate rules or regulations that were required by legislation. As a result, agencies were not held to any standard of timeliness. A 2011 memo by the Performance Audit Committee identified several regulations required by legislative bills that had not been promulgated several years after the bills had passed.³

In 2011, the Legislature passed LB 617, a Performance Audit Committee priority bill, requiring agencies to follow a timeline for promulgation. Agencies must hold the public hearing for mandatory regulations within 12 months of the effective date of the bill that requires the regulations. After the public hearing, the agency has another year within which they must adopt the regulations. This second year does not include the period during which the agency submits the regulations for approval by the Attorney General or the Governor. The bill also included reporting requirements, including that agencies provide an annual status update on regulations to the Legislative Audit Office. The status update must include information on appropriations related to the regulations. This requirement was enacted to address some legislators' concerns that agencies who failed to timely promulgate regulations might be repurposing appropriations.

In 2013, in response to concern that LB 617 was not able to address the backlog of overdue regulations from before it went into effect, the Legislature passed LB 242. LB 242 required the legislative standing committee with jurisdiction over the subject matter of the regulation to hold a public hearing if a regulation had not been enacted three years after the legislation's effective date. As a result, the Audit Office began asking agencies to report the status of all unpromulgated mandatory regulations regardless of the year legislation went into effect. This report is due to the Office by July 1 each year.

³ Nebraska Legislature, Legislative Audit Office, *Timeliness of Regulation Promulgation Preaudit*, January 2011.

Agriculture, Department of

2017 Regulations Report

1. Agency: Department of Agriculture

2. Were any bills passed **in 2017** that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	LB 134	Graded Egg Regulations will be repealed
2017		because the Nebraska Graded Egg Act was repealed.
2017		
2017		

3. Were any bills passed **in 2016** that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				
2016				

4. Did any of the bills passed **in 2016** have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed **prior to 2016** that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?



Barber Examiners, Board of

2017 Regulations Report

1. Agency: Nebraska Board of Barber Examiners.

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB842	Change admission and graduation provisions relating to barber schools and colleges	3/2/2016	Regulation was amended and implemented on December 21, 2016
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Coordinating Commission for Postsecondary Education

2017 Regulations Report

1. Agency: Coordinating Commission for Postsecondary Education

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	LB 512	Guaranty Recovery Fund
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?
 Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?
 Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Correctional Services, Department of

2017 Regulations Report

1. Agency: Nebraska Department of Correctional Services

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB 867	Procedures when inmates are outside of a secure facility	TBD - August/September 2017	Promulgation of NDCS furlough policy is underway.
2016				
2016				
2016				

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4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2015	LB 598	Title 72, Ch 5 Medicaid Suspension	11/15/16	Final PRO Review/Gov Approval
1994	LB 446	Title 72, Ch 2A PA Model Rules	May 21, 2016	Final PRO Review/Gov Approval
2015	LB 598	Title 68, Ch 6 Serious and Flagrant definition	6-24-16	Final PRO Review/ Gov Approval
2015	LB 598	Title 72, Ch 4 Discharge Review Team Procedures	11/15/16	Final PRO Review/Gov Approval

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

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Education, Department of

2017 Regulations Report

1. Agency: Nebraska Department of Education

2. Were any bills passed **in 2017** that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed **in 2016** that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB1067	School Enrollment	1/10/2017	Filed with Secretary of State 6/1/2017
2016	LB1067	School Finance & Budgeting/State Funding of ESUs & Learning Communities	9/20/2016	Filed with Secretary of State 12/21/2016
2016	LB1067	Uniform System of Accounting	9/20/2016	Filed with Secretary of State 12/16/2016
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed **prior to 2016** have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place? *Through the already established process in place.*

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Electrical Division, State

2017 Regulations Report

1. Agency: State Electrical Division (30)

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	LB455	2017 Electrical Code Adoption
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				

4. Did any of the bills passed **in 2016** have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed **prior to 2016** that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Environmental Quality, Department of

2017 Regulations Report

1. Agency: **Nebraska Department of Environmental Quality**

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?
 Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?
 Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	737	Wastewater Treatment Facilities Construction Assistance Act	6-13-17	Adopted by Environmental Quality Council, pending final approval by the Attorney General, Governor, and Secretary of State. Submitted to Attorney General 6-27-17.
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?



Fire Marshal, State

2017 Regulations Report

1. Agency: State Fire Marshal

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
- No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	LB 263	One Call Notification Act
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
- No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2010	LB 880	Fireworks		Ongoing; being incorporated into larger regulation updates for entire Fire and Life Safety Code

6. Did any of the bills passed **prior to 2016** have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Name:

Email address:

Phone number:

Game and Parks Commission

2017 Regulations Report

1. Agency: Nebraska Game and Parks Commission

2. Were any bills passed **in 2017** that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed **in 2016** that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB745	Fees for hunting and fishing permits, permit applications and stamps	August 18, 2016	Fully promulgated; Passed and signed by Governor
2016	LB745	Fees for vehicle park entry permits	October 21, 2016	Fully promulgated; Passed and signed by Governor
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed **prior to 2016** have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Grain Sorghum Board

2017 Regulations Report

1. Agency: Grain Sorghum Board

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2011	107	Title 18 Nebraska Admin Code, Chapter 1		Signed by Gov. Heinemann on 5.17.11
6.6.13		Public Hearing-Final Rule submitted to AG on 6.19.13 for review		Gov. Policy Research Office-recommended Board take action to rescind regulation on 11.4.13
1.30.14		Board filed Notice of Termination of Rulemaking		Board is working to re-review the Rule and Identify areas where a rule is needed. Once the review is completed, the public hearing will be undertaken again to follow up on the GPRO's recommendation. No date has been set for a public hearing. This remains a priority for completion. We have only part-time staff.

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
 No

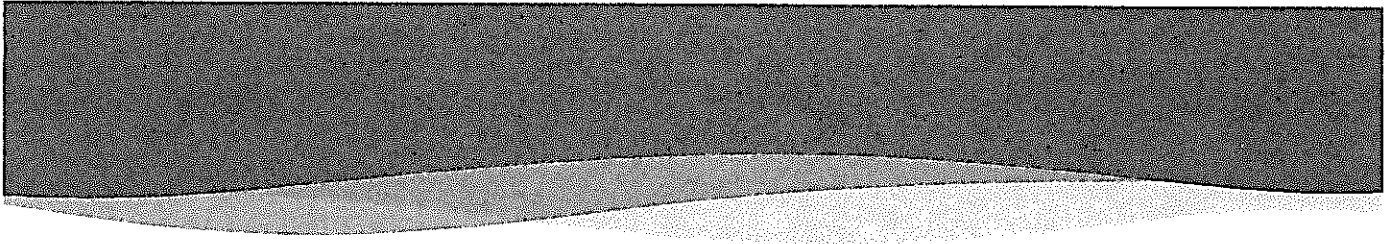
If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

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Health and Human Services, Department of



§84-907

6/30/2017

2017 Regulations Report

Department of Health and Human Services

DEPT. OF HEALTH AND HUMAN SERVICES

Good Life. Great Mission.

NEBRASKA

2017 Regulations Report

1. Agency: Department of Health and Human Services

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

Yes

No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	LB 18	Licensure and Scope of practice for dental assistants and dental hygienists
2017	LB 88	Interstate Medical Licensure Compact and Interstate Nursing Licensure Compact
2017	LB 91	Change provision relating to infant health screenings
2017	LB 92	Require health carriers to provide coverage for telehealth services
2017	LB 225	Require training of foster parents on Sex Trafficking
2017	LB 417	For Division of Behavioral Health - authority for peer services and standards; For Division of Medicaid and Long-term Care - State Unit on Aging
2017	LB 417	Change and Eliminate provisions relating to public health and welfare (DHHS Omnibus Bill)
2017	LB 430	Change powers and duties of the Department of Health and Human Services under the Radiation Control Act
2017	LB 578	Ground emergency transportation
2017	LB 644	Provide, change and eliminate provisions governing boards, commissions and similar entities

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB 19	Laboratory Certification under the Nebraska Safe Drinking Water Act	1st Hearing - May 15, 2017 2nd Hearing 7/20/17	Drafted. 2nd public hearing scheduled for 7/20/17
2016	LB 698	Fingerprint based background checks for providers	No date scheduled at this time	Stakeholder review complete, working on sending through the process for a Public Health date.
2016	LB 746	Strengthening Families Act	No date scheduled at this time	Drafted

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016	LB 746A	No funds to DHHS
2016	LB 908A	Regulations at GPRO. Statute has been Implemented.
2016	LB 956	Provided deficit appropriations one time only for targeted housing for persons in recovery

5. Does your agency have any regulations required by bills passed **prior to 2016** that have not yet gone into effect?
- Yes
- No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2007	LB 247	Mental health practice licensure		Draft regulations have been submitted to the Mental Health Practice Board.
2007	LB 463			
2008	LB 1108			
2009	LB 403			
2012	LB 1148			
2007	LB 296	Foster Parent liability	NA	Drafted
2007	LB 463	Hearing instrument specialist licensure		Regulations are being drafted.
2009	LB 403			
2009	LB 195			
2011	LB 225			
2007	LB 463	Psychologist licensure		Draft regulations have been submitted to the Board of Psychology.
2009	LB 403			
2012	LB 1062	Adoption Assistance	NA	Being drafted
2013	LB 265	Change licensure requirements of child caring/placing agencies and kinship home provisions		Regulations are being drafted.
2014	LB 276	Early intervention Act, school/Medicaid reimbursement	No date scheduled at this time	Regulations being drafted.
2014	LB 853	Extended Guardianship & Central Registry	NA	Drafted
2014	LB 908	Extended Guardianship	NA	Drafted
2014	LB 994	Supplemental payment to NE medical center	No date scheduled at this time	These regulations are on hold as CMS did not approved our State Plan Amendment.

2015	LB 37	Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions	1 st Public Hearing December 14, 2016	Regulations drafted. Comments from public hearing resulted in substantive changes. Second hearing to be scheduled.
2015	LB 80	Prove, change and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act	1 st Public Hearing October 14, 2016	Regulations drafted. Comments from public hearing resulted in substantive changes. Second hearing to be scheduled.
2015	LB 107	Nurse practitioner changes		Regulations are being drafted.
2015	LB 118	Cigar shop licensure exemption		Regulations are being drafted.
2015	LB 243	Change the Young Adult Bridge to Independence Act - addition of a Medicaid eligibility category.	4-25-17	With the Attorney General's office for review.
2015	LB 264	Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training, or experience		Regulations are being drafted.
2015	LB 500	Multisystemic therapy	No date scheduled at this time	Stakeholder review complete, working on sending through the process for a Public Health date.
2015	LB 566	Indian Child Welfare Act	NA	Drafted

6. Did any of the bills passed **prior to 2016** have an appropriation?

- Yes
 No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2015	LB 196A	Indefinitely Postponed
2015	LB 243	Implementation of the category, used for claims for individuals enrolled.
2015	LB 500	Actuarial study, rate setting, admin costs.
2015	LB 566A	Provided for the hiring of an ICWA Program Specialist. The position has been filled

7. Who should our office contact with questions about this report?

Motor Vehicles, Department of

2017 Regulations Report

1. Agency: Department of Motor Vehicles

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	LB 644, Sec. 11-15	Repeal 248 NAC 2 - Health Advisory Board Rule
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	47	Organ donation	July 3, 2017	Amended rule 246 NAC 1 published; public hearing pending
2016				
2016				
2016				

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4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2014	998	Amended Repeive of 15 year license revocation by Pardon's Board	August 25, 2017	There are existing regulations for this program. Approved by GPRO for rulemaking to update current rule.
2014	983	Amended CLD/CLP issuance regulations	Fall 2017	There are existing regulations for this program. It has been a complex process to amend the federal changes into the current rule.

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes

No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2014	983	Fiscal note for LB 983, 2014, is pasted below to show the detail of the appropriation. The appropriation was used for the purposed indicated in the fiscal note including computer programming, to hire compliance officers to oversee compliance with federal rules changes, and for travel expenses for compliance officers, to hire additional examiners to carry out CDL/CLP issuance, and for office equipment and uniforms for the licensing division.

7. Who should our office contact with questions about this report?

LB 983 as Amended by AM1820 FISCAL NOTE

2014

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

Prepared by: Gary Ryken

Date Prepared:

19-Jun-17

Phone: 471-3902

Fax: 471-9594

Email: gary.ryken@nebraska.gov

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2014		FY 2015	
	EXPENDITURE	REVENUE	EXPENDITURE	REVENUE
	\$		\$	
GENERAL FUNDS				
CASH FUNDS	\$ 494,968		\$ 607,137	
FEDERAL FUNDS				
OTHER FUNDS		\$		
TOTAL FUNDS	\$ 494,968	-	\$ 607,137	-

Explanation of Estimate:

LB 983 provides for compliance with certain federal regulations regarding commercial drivers' licenses and commercial learners' permits. DMV will incur increased operational costs to bring the Nebraska commercial driver licensing (CDL) process into compliance with the federal regulations.

The CDL/CLP final rule requires increased cover and overt auditing and monitoring of CDL skills testing of both state and third party CDL examiners. Currently, DMV is able to only provide monitoring of less than 2.5% of all CDL skills testing. With the addition of three CDL Compliance Officers would allow DMV to increase the level of monitoring to over 15%. There are currently 63 third party examiners in addition to state examiners providing CDL testing in Nebraska.

Estimated cost of Compliance Officers

Description	FTE	Annual \$	Benefit \$	Total/FT E	Start-up Costs	Total Annual \$
Compliance Officers	3.0	\$ 36,150	14,099	\$ 50,249		\$ 150,747
Vehicle Costs	3	\$ 7,212				\$ 21,636
Food and Lodging	3	\$ 4,960				\$ 14,880
Communication	3	\$ 780				\$ 2,340
Purchase of office and field equipment	3	\$ 4,200			\$ 12,600	
Computer-cellphones	3	\$ 3,150			\$ 9,450	
Total for Compliance Officers					\$ 22,050	\$ 189,603

It is requested that appropriation for the compliance officers be available January 1, 2015 to allow for the hiring and training processes.

MAJOR OBJECTS OF EXPENDITURE

POSITION TITLE	NUMBER OF POSITIONS		FY 2014-2015 EXPENDITURE \$	FY 2015-2016 EXPENDITURE \$
	14-15	15-16		
Compliance Officers	3.0	3.0	\$ 54,225	\$ 110,890
Examiners	10.0	10.0	\$ 144,365	\$ 295,226
Benefits			\$ 77,450	\$ 158,385
Operating			\$ 200,670	\$ 6,120
Travel			\$ 18,258	\$ 36,516
Capital				

Outlay
 Aid
 Capital Improvements
 Total \$ 494,968
 \$ 607,137

LB 983 FISCAL NOTE Page 2 **2014**

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

Prepared by: Gary Ryken Date Prepared: 19-Jun-17
 Phone: 471-3902 Fax: 471-9594
 Email: gary.ryken@nebraska.gov

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

Due to more restrictive testing requirements and elements, DMV will not be able to provide CDL testing in all of the county locations. DMV has determined that CDL testing is feasible in only 21 locations in Nebraska. Due to the increased testing elements, each CDL test will take more time and more than likely increase the number of required retests. In order to absorb the additional workload associated with the CDL tests and also to mitigate the impact of citizens visiting DMV stations for other services 10 additional examiners are requested. These examiners would be placed in locations impacted by the CDL testing workload increases.

Estimated cost of Examiners

Description	FTE	Annual \$	Benefit \$	Total/FT E	Start-up Costs	Total Annual \$
Examiners	10.0	28,873	11,260	\$ 40,133		\$ 401,330
Auto Test License	10				\$ 4,500	3,780
Desktop PC	10				\$ 12,000	
Scanner	10				\$ 1,200	

Printers	5	\$ 750	
Auto Test Tablets	9	\$ 13,500	
Examiner Uniforms	10	\$ 3,500	
Eye Test Machines	5	\$ 4,000	
<hr/>			\$
Total for Examiners		\$ 39,450	405,110

It is requested that appropriation for the compliance officers be available January 1, 2015 to allow for the hiring and training processes.

Computer Programming Costs

LB 983 will require computer modifications to the Nebraska Driver License System. These changes will be done with DMV employees and will not require additional appropriation. Modifications to the Driver License Issuance System will, however, require additional appropriation. Changes include development of a new card type for non-domiciled CLP and CDL holders, and changes to the actual card for additional endorsements and restrictions. These changes are estimated to cost \$138,000.

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**NPERS
(Nebraska Public Employees Retirement System)**

2017 Regulations Report

1. Agency: **Nebraska Public Employees Retirement Systems (NPERS) Agency 85**

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB467	Capping of Retirement Compensation	12-19-2016	Revisions effective 6-5-2017
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016	LB467	NPERs was granted authority to spend trust fund money (cash fund) on computer programming expenses, educational and training materials, and an actuarial study. No General Fund appropriation was authorized or received. The money remained in the trust fund until used to pay for the expenses necessary to implement the law.
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Oil and Gas Conservation Commission

2017 Regulations Report

1. Agency: Nebraska Oil and Gas Conservation Commission

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?
 Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	1082	Commercial Injection Wells	January 24, 2017	Officially in-place
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016	1082	Unknown. I was advised by Mr. Scott Danigole that a small amount of cash funds were
2016		Appropriated but I do not know the amount.
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Name:

Email address:

Phone number:

Public Service Commission

2017 Regulations Report

1. Agency: *Public Service Commission*

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	263	Transportation services under contract with the Health and Human Services Department.
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	730	Changed security coverage provision for sellers of Grain stored in a warehouse closed by the NPSC.	To be scheduled for August 22, 2017.	Drafting stage. Release will be voted on during the Commission's July 5, 2017 public meeting.
2016				
2016				
2016				

2016			
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4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

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Real Property Appraiser Board

2017 Regulations Report

1. Agency: Nebraska Real Property Appraiser Board

2. Were any bills passed **in 2017** that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed **in 2016** that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	LB731	Updates to meet federal requirements	December 15, 2016	Adopted and approved.
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?
 Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?
 Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

Secretary of State

2017 Regulations Report

1. Agency: Secretary of State

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
1996	964	Special Elections by Mail 32-202(12)		Regulations have not been promulgated as the procedures for special elections by mail are outlined in statute.
1947	Laws 1947 c. 253 §1, p. 831	Tax related to musical compositions 59-1403		No known regulations have been adopted regarding this tax. The tax is collected annually.

6. Did any of the bills passed prior to 2016 have an appropriation?

Yes

No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

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State Patrol

2017 Regulations Report

1. Agency: Nebraska State Patrol

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017		
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016	934	Sex Offender Registry	01-30-17	Under review by the Attorney General's office
2016	190	Concealed Handgun Permits	Unknown	Under review by GPRO
2016	505	Criminal History Information	Unknown	Under review by GPRO (bill not effective until 1/1/17)
2016				
2016				

#64

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

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Tourism Commission

2017 Regulations Report

1. Agency: 91, Nebraska Tourism Commission

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

Year Passed	Bill Number	Subject of Regulation
2017	222	Nebraska Visitors Development Act, Grants
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				

4. Did any of the bills passed in 2016 have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed prior to 2016 that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2012	LB1053	General Tourism Commission regulations		Drafting to incorporate 2017 legislation

6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

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Veterans Affairs

2017 Regulations Report

1. Agency: *Veteran's Affairs*

2. Were any bills passed in 2017 that will require your agency to promulgate regulations?

- Yes
 No (If no, go to question 3.)

If yes, what is the bill number and subject of the regulation?

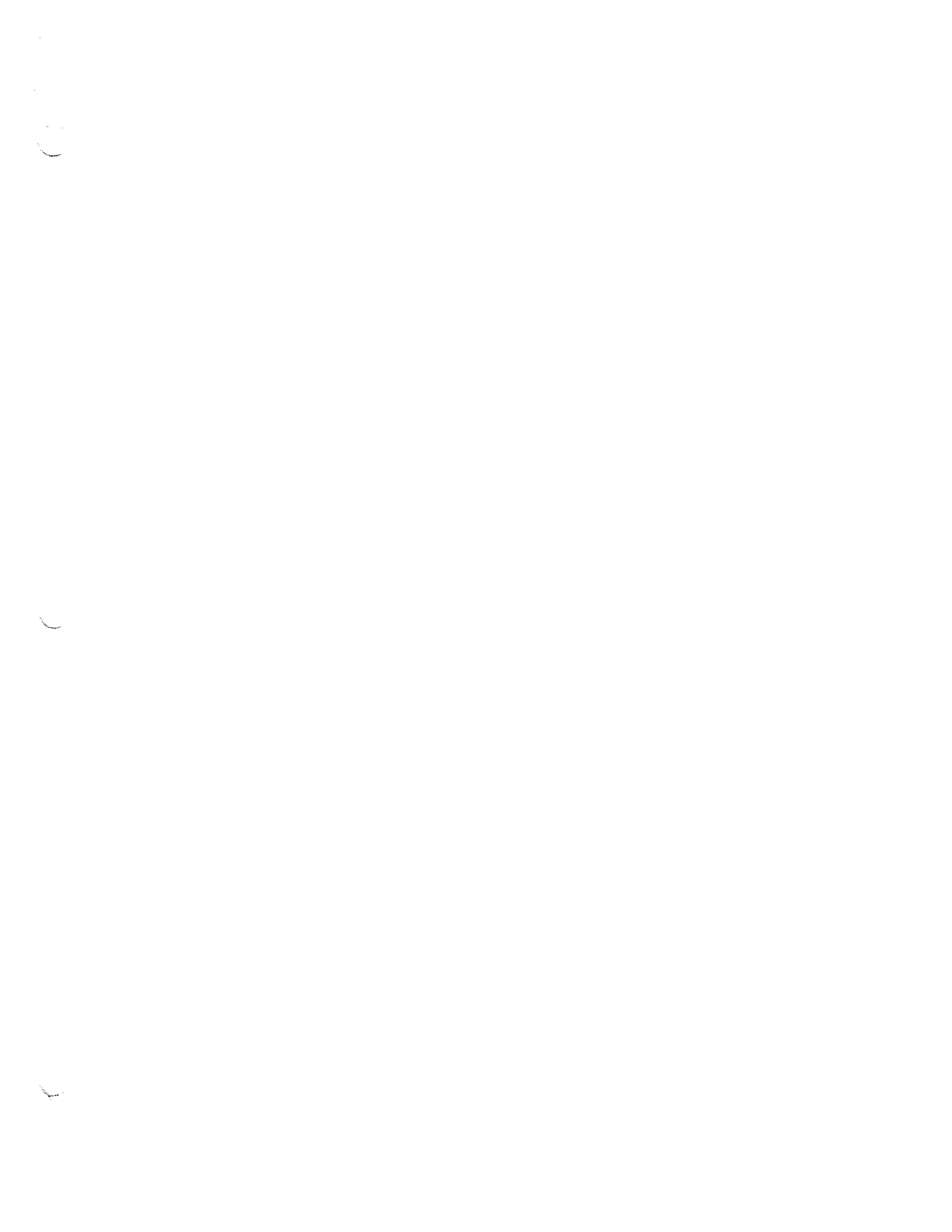
Year Passed	Bill Number	Subject of Regulation
2017	LB 340e	Agency merger
2017		
2017		
2017		

3. Were any bills passed in 2016 that required your agency to promulgate regulations?

- Yes
 No (If no, go to question 5.)

If yes, what is the bill number, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation
2016				
2016				
2016				
2016				



4. Did any of the bills passed **in 2016** have an appropriation?

- Yes
 No (If no, go to question 5.)

If yes, how are the funds being used while the promulgation process takes place?

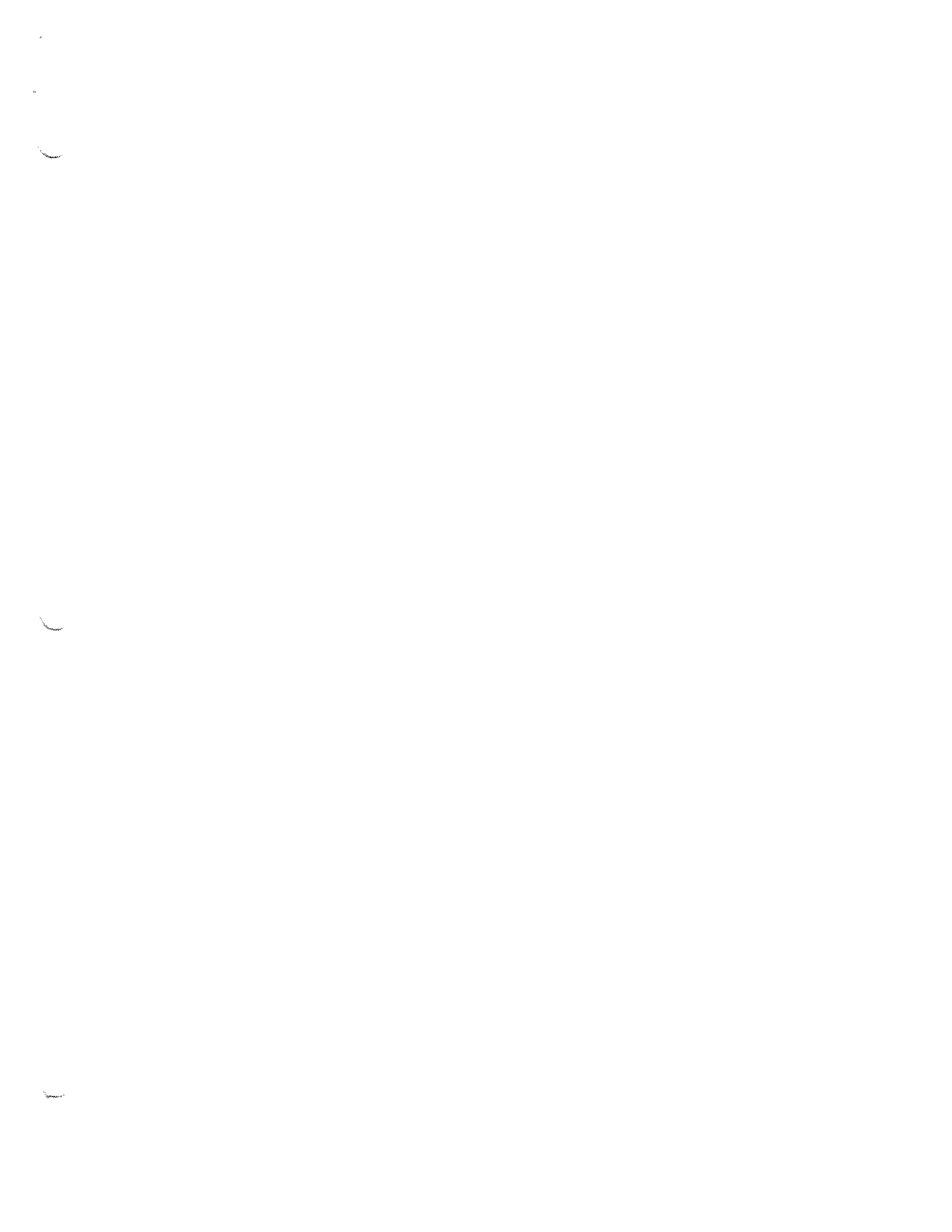
Year Passed	Bill Number	Appropriation Status
2016		
2016		
2016		
2016		

5. Does your agency have any regulations required by bills passed **prior to 2016** that have not yet gone into effect?

- Yes
 No (If no, go to question 7.)

If yes, what is the bill number, year passed, subject of the regulation, public hearing date, and regulation status?

Year Passed	Bill Number	Subject of Regulation	Date of Public Hearing	Status of Regulation



6. Did any of the bills passed prior to 2016 have an appropriation?

- Yes
- No

If yes, how has the agency used the funds while the promulgation process takes place?

Year Passed	Bill Number	Appropriation Status

7. Who should our office contact with questions about this report?

