

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 43

Introduced by Sanders, 45.

Read first time January 05, 2023

Committee:

1 A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend
2 section 84-920, Revised Statutes Cumulative Supplement, 2022; to
3 require hearing officers to interpret state agency rules and
4 regulations de novo on the record; to require courts and hearing
5 officers to interpret statutes and regulations to limit agency power
6 and maximize individual liberty; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-920, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 84-920 Sections 84-901 to 84-920 and sections 2 and 3 of this act
4 and the Occupational Board Reform Act shall be known and may be cited as
5 the Administrative Procedure Act.

6 Sec. 2. In interpreting a state statute or agency regulation, a
7 hearing officer or judge hearing a contested case under the
8 Administrative Procedure Act shall not defer to the state agency's
9 interpretation of such statute or regulation and shall interpret the
10 statute or regulation de novo on the record.

11 Sec. 3. In actions brought by or against state agencies, after
12 applying all customary tools of interpretation of a statute or
13 regulation, the court or hearing officer shall resolve any remaining
14 doubt in favor of a reasonable interpretation which limits agency power
15 and maximizes individual liberty.

16 Sec. 4. Original section 84-920, Revised Statutes Cumulative
17 Supplement, 2022, is repealed.