

## LEGISLATIVE BILL 130

Approved by the Governor February 20, 1981

Introduced by Administrative Rules and Regulations Review Committee, V. Johnson, 8, Chpn.; Haberman, 44; R. Peterson, 21; Barrett, 39; Koch, 12; DeCamp, 40; Fowler, 27

AN ACT to amend sections 84-901 and 84-906.03, Revised Statutes Supplement, 1980, relating to rules of administrative agencies; to redefine a term; to provide duties; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 84-901, Revised Statutes Supplement, 1980, be amended to read as follows:

84-901. As used in sections 84-901 to 84-916:

(1) Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules, except the Adjutant General's office as provided in Chapter 55, the courts, including the Nebraska Workmen's Compensation Court, the Court Commission of Industrial Relations, and the Legislature, and the Revisor of Regulations;

(2) Rule shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure but not including regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public, and not including permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs, and any rules of interpretation thereof, and for the purpose of this act every rule which shall prescribe a penalty shall be presumed to have general applicability or to affect private rights and interests;

(3) Contested case shall mean a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing; and

(4) Committee shall mean the Legislature's Administrative Rules and Regulations Review Committee, which shall be a standing committee.

Sec. 2. That section 84-906.03, Revised Statutes Supplement, 1980, be amended to read as follows:

84-906.03. It shall be the duty of the Revisor of Regulations:

(1) To serve as the primary depository of agency rules and regulations and any modifications or amendments to those agency rules and regulations;

(2) To establish and maintain guidelines for all agencies in the preparation and indexing of agency rules and regulations;

(3) To establish and cause to be compiled, indexed by subject, and published a codification system for all rules and regulations filed with the Revisor of Regulations to be designated the Nebraska Administrative Code. All rules and regulations currently on file with the Revisor of Regulations and in effect shall comply with such codification system. The Revisor of Regulations shall establish a time schedule for compliance for each agency filing rules and regulations, except that all agencies shall comply within two years of the effective date of this act. The renumbering of rules and regulations currently filed with the Revisor of Regulations and in effect on the effective date of this act shall not be deemed to be an amendment or modification of such rules and regulations and shall be exempt from the requirements of Chapter 84, article 9;

(4) After completion of the codification required by subdivision (3) of this section, to cause the Nebraska Administrative Code to be computerized to facilitate agencies in revision of their rules and regulations and provide research capabilities;

(3) (5) To distribute an original set a current copy of existing rules and regulations as accepted by him or her as filed to the state library and to each county law library of the State of Nebraska making a request for a copy of such rules and regulations; to distribute, on a regular basis, copies of all modifications or amendments to agency rules and regulations as accepted by him or her as filed to the state library and to each county law library of the State of Nebraska which requests copies of all modifications or amendments; to distribute at least four current copies of any rules and regulations accepted by him or her as filed to the Nebraska Publications



Clearinghouse to meet the needs of the Nebraska publications depository system; to distribute on a regular basis at least four copies of all modifications or amendments to agency rules and regulations accepted by him or her as filed to the Nebraska Publications Clearinghouse to meet the needs of the Nebraska publications depository system; to distribute an original set a current copy of any existing rules and regulations as accepted by him or her as filed to all interested persons on request at a price fixed to cover costs of printing, handling, and mailing; and to distribute, on a regular basis, copies of any or all modifications or amendments to agency rules and regulations as accepted by him or her as filed to all interested persons on request, at a price fixed to cover costs of printing, handling, and mailing;

{4} {6} To hold a public hearing within fifteen days before or after the first anniversary of the filing date of any rules or amendments filed pursuant to section 84-902, after July 19, 1980. The purpose of such hearing shall be to gather information which will enable the Administrative Rules and Regulations Review Committee to determine whether such rules or amendments are carrying out the legislative intent of the act which authorized their adoption; and

{5} {7} To publish notice of each hearing to be held pursuant to subsection {4} {6} of this section in a newspaper of general circulation throughout the state. Such notice shall be published not more than thirty days nor less than twenty days prior to the hearing date.

(a) Written notice of the hearing shall be given to the agency which adopted the rules or amendments at least twenty days prior to the hearing.

(b) Any person desiring to testify or give evidence regarding any rule or amendment shall notify the Revisor of Regulations not less than five working days prior to the scheduled hearing date. If no one gives notice of a desire to testify or give evidence, the Revisor of Regulations shall cancel the hearing and notify the appropriate agency of such cancellation.

(c) In conducting the hearings, the Revisor of Regulations shall not be bound by the rules of evidence applicable in district court. The Revisor of Regulations may subpoena witnesses or documents when necessary to obtain additional information regarding a rule or amendment.

(d) Within fifteen days after the conclusion of a hearing, the Revisor of Regulations shall issue a report containing his or her findings and a summary of all evidence presented at the hearing. A copy of the report shall be delivered to (i) the Administrative Rules and Regulations Review Committee, (ii) the head of the agency which adopted the rules or amendments, and (iii) the chairperson of any committee of the Legislature with jurisdiction in the area dealt with by the rules or amendments.

Sec. 3. That original sections 84-901 and 84-906.03, Revised Statutes Supplement, 1980, are repealed.