

## LEGISLATIVE BILL 604

Approved by the Governor March 1, 1974

Introduced by Administrative Rules and Regulations  
Committee, Duis, 39, Chmn.

AN ACT to amend section 84-905.01, Reissue Revised Statutes of Nebraska, 1943, section 84-908, Revised Statutes Supplement, 1972, and sections 84-902 and 84-904, Revised Statutes Supplement, 1973, relating to rules of administrative agencies; to require two copies of any rule or amendment to be filed with the Revisor of Regulations; to clarify provisions; to change dates for compliance; to provide that rules and regulations be admitted into evidence; to repeal the original sections, and also section 84-906.01, Revised Statutes Supplement, 1972.

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

Section 1. That section 84-902, Revised Statutes Supplement, 1973, be amended to read as follows:

84-902. (1) Each agency shall file with the Revisor of Regulations, no ~~later~~ sooner than June 30, 1975, ~~nor later than August 31, 1975,~~ a ~~two~~ two certified ~~copy~~ copies of the rules in force and effect for such agency on that date. Thereafter, each agency shall file annually with the Revisor of Regulations a ~~two~~ two certified ~~copy~~ copies of any amendments or modifications to the rules in force and effect for such agency no later than June 30 of each year. The Revisor of Regulations shall place and keep one of the certified copies in a permanent file and shall file the remaining certified copy as a library copy to be used by the legislature.

(2) Each agency shall file forthwith in the office of the Secretary of State a certified copy of the rules in force and effect in such agency on August 10, 1945. A certified copy of any rule adopted after August 10, 1945 shall likewise be so filed. The Secretary of State shall keep a permanent file of all such rules, which shall be open to public inspection during regular business hours of his office. The Secretary of State, in order to maintain and keep such files current, shall be empowered to require new and amended rules to be filed as complete file pages and to remove all superseded pages to a separate file. Each agency shall file with the Secretary of State, no ~~later~~ sooner than June 30, 1975, ~~nor later than August 31, 1975,~~ a certified copy of the

rules in force and effect for such agency on that date. Each agency shall annually file with the Secretary of State a certified copy of any amendments or modifications to rules in force and effect for such agency no later than June 30 of each year.

(3) Rules filed with the Revisor of Regulations and the Secretary of State pursuant to this section shall be filed in the manner and form prescribed by the Revisor of Regulations. The Revisor of Regulations shall, no later than January 1, 1975, issue instructions to all state agencies setting forth the format to be followed by all agencies in submitting regulations to the Revisor of Regulations and the Secretary of State. Such instructions shall provide for a uniform page size, a generally uniform and clear indexing system, and annotations including designation of enabling legislation and court or agency decisions interpreting the particular rule or regulation. For good cause shown, the Revisor of Regulations, with the consent of the chairman of the Legislature's committee on administrative agency rules and regulations established under section 84-908, may grant exceptions to the uniform page size requirement and the general indexing instructions for any agency.

(4) ~~Prior to the June 30, 1975, filing--dates provided for in subsections (1) and (2) of this section,~~ each agency shall undertake a complete and thorough review of rules in force and effect for such agency. Regulations that are outdated, inadequate, and repetitious shall be deleted or modified and all of the rules shall be recodified in conformity with instructions issued by the Revisor of Regulations. All modifications to agency rules shall be made in conformity with section 84-907 far enough in advance of the filing deadline to insure that a final revised copy of the agency rules may be certified and filed with both the Revisor of Regulations and the Secretary of State by the filing deadline.

Sec. 2. That section 84-904, Revised Statutes Supplement, 1973, be amended to read as follows:

84-904. (1) ~~Each---agency~~ The Revisor of Regulations shall file with the Legislature's committee on administrative agency rules and regulations established under section 84-908, ~~no later sooner than June 30, 1975, nor later than August 31, 1975,~~ and thereafter annually no later than ~~June--30~~ January 1 a certified copy of the rules in force and effect for each agency on that date.

(2) The Legislature's committee on administrative agency rules and regulations shall review such agency rules and regulations and shall have the power to recommend to the Legislature that the original enabling legislation serving as authority for promulgation of such rules be repealed, changed, altered, amended, or modified in such manner as it deems advisable. Any agency rule or regulation promulgated under a statutory grant of authority shall become null and void upon the effective date of any statute which repeals, changes, alters, amends, or modifies such statutory grant of authority.

Sec. 3. That section 84-905.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-905.01. A copy of each amendment or rule to be adopted under this act, prior to the date of filing with the Secretary of State and the ~~Elerk--of--the~~ Legislature Revisor of Regulations, shall be submitted to the Attorney General for his consideration as to the statutory authority and constitutionality of such amendment or rule, and his approval or disapproval thereof. If the amendment or rule to be filed is approved as to legality by the Attorney General, he shall so indicate with his stamp of approval which shall be dated and signed.

Sec. 4. That section 84-908, Revised Statutes Supplement, 1972, be amended to read as follows:

84-908. No adoption, amendment, or repeal of any rule shall become effective until the same shall have been approved by the Governor and filed with the ~~legislative--Council~~ Revisor of Regulations after a hearing has been set on such rule pursuant to section 84-907. After such hearing, any rule adopted by any agency shall be filed with the ~~legislative--Council~~ Revisor of Regulations and by that office referred to a committee of seven members of the Legislature appointed by the Executive Board of the Legislative Council at the close of each second session of the Legislature to serve until the end of the second session of the next Legislature. Any vacancy on such committee occasioned by the fact that any member thereof is not a member of the next session of the Legislature shall be filled by appointment of the Executive Board from among members of the Legislature.

Sec. 5. The filing of any rule or regulation pursuant to the provisions of Chapter 84, article 9, if certified and filed with the Revisor of Regulations, shall be received as prima facie evidence of the

existence of such rule or regulation and that such rule is as described in the permanent file copy of the Revisor of Regulations. Any rule so certified and filed shall be admitted into evidence without further foundation.

Sec. 6. That original section 84-905.01, Reissue Revised Statutes of Nebraska, 1943, section 84-908, Revised Statutes Supplement, 1972, and sections 84-902 and 84-904, Revised Statutes Supplement, 1973, and also section 84-906.01, Revised Statutes Supplement, 1972, are repealed.