

## LEGISLATIVE BILL 487

Approved by the Governor March 11, 1987

Introduced by Coordsen, 32; Abboud, 12

AN ACT relating to rules of administrative agencies; to amend section 84-907, Revised Statutes Supplement, 1986; to change notice requirements for rule adoption, amendment, or repeal; to prohibit certain challenges; and to repeal the original section.

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

Section 1. That section 84-907, Revised Statutes Supplement, 1986, be amended to read as follows:

84-907. No rule or regulation shall be adopted, amended, or repealed by any state agency except after public hearing on the question of adopting, amending, or repealing such rule or regulation. Notice of such hearing shall be given at least twenty thirty days prior thereto to the Secretary of State and by publication in a newspaper having general circulation in the state. All such hearings shall be open to the public. Draft copies or working copies of all rules and regulations to be adopted, amended, or repealed by any state agency shall be available to the public in the business office of such agency and the office of the Secretary of State at the time of giving notice. The notice shall include: (1) A a declaration of availability of such draft or work copies for public examination; and (2) a short explanation of the purpose of the proposed rule or regulation or the reason for the amendment or repeal of the rule or regulation. No person may challenge the validity of any rule or regulation, the adoption, amendment, or repeal of any rule or regulation, or any determination of the applicability of any rule or regulation on the basis of the explanation provided pursuant to subdivision (2) of this section. Any state agency adopting, amending, or repealing a rule or regulation may make written application to the Governor who may, upon receipt of a written showing of good cause, waive the notice of public hearing.

For purposes of this section, good cause shall include, but not be limited to, a showing by the agency that:

(1) (a) Compliance with the public notice requirements of this section would result in extreme hardship on the citizens of this state;

(2) (b) An emergency exists which must be remedied immediately; or

(3) (c) A timely filing or publication of notice of a public hearing was prevented by some unforeseeable event beyond the immediate control of the agency and that the parties affected have not and will not suffer material injury as a result of the agency's action.

Whenever public notice is waived, the agency shall, so far as practicable, give notice to the public of the proposed rule or regulation change and of the rule or regulation as finally adopted or changed.

Sec. 2. That original section 84-907, Revised Statutes Supplement, 1986, is repealed.