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STATE *of* NEBRASKA
EXECUTIVE OFFICE
LINCOLN

Executive Order 95-6

1.0 The Governor of the State of Nebraska, through Executive Order 95-6, hereby declares that the volume of state rules and regulations has become a burden for Nebraskans, and that directors of state agencies, boards and commissions should immediately take action to identify problems with proposed rules and regulations as early as possible so that appropriate action can be taken.

2.0 The purpose of this order is to advise state agencies, boards and commissions to adopt procedures that provide the public and other state officials notification of the content of proposed rules and regulations before the formal public hearing process begins. This will allow for collaborative development of rules that make sense, provide a benefit to the public that is commensurate with the cost of regulating, and stop the perpetuation of unfunded state and federal mandates and the resulting costs.

3.0 Before the public hearing on a proposed rule or regulation is scheduled, the director of each agency, board or commission shall inform the Governor of the following:

- 3.1 Identify what the proposed rules do, who they impact, and why they are necessary.
- 3.2 State if the proposed rules are consistent with legislative intent.
- 3.3 State if the proposed rules are the result of a mandate, and whether they create an unfunded mandate on local government.
- 3.4 Identify additional funds or personnel required to implement or monitor the proposed rules.
- 3.5 Identify potential citizens and organizations that will be affected.
- 3.6 State if the proposed rules affect other agencies and if resolution of issues has been or will be attempted.
- 3.7 State if the proposed rules are expected to reduce or increase expenses of commerce, citizens, or institutions.
- 3.8 Identify what steps will be taken to solicit public comment on the proposed rules before they are presented at the public hearing.
- 3.9 Identify plans to integrate the Administrative Procedures Act, including Negotiated Rulemaking procedures as appropriate.

4.0 Each director shall, within available resources, increase efforts to identify proposed federal laws and regulations or amendments to federal laws and regulations that will impact the State before they are implemented, and to notify the Governor whether intervention is necessary.

5.0 Each code agency is directed to submit a plan to eliminate obsolete rules to the Governor by September 30, 1995. All other agencies, boards and commissions are requested to submit a similar plan on September 30, 1995.

6.0 Governance

6.1 Each agency director and advisory board shall have the responsibility to accurately reflect the public impact of rules and to be held accountable for adherence to this procedure.

6.2 The Governor's Policy Research Office shall be responsible for a timely response to agency information requests regarding proposed rules.


7.0 Powers

7.1 The Governor's Policy Research Office is given the authority to return proposed rules without review if submitted without conforming to the guidelines developed pursuant to Section 3 of this order.

7.2 The Governor's Policy Research Office is given the authority to work with directors to develop specialized applications of procedures accompanying this order, assuring that the procedures are consistent with the purpose of this order.

8.0 This Executive Order becomes effective on May 10, 1995 and remains in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the Great Seal of Nebraska to be affixed this 10th day of May, in the year of our Lord one thousand nine hundred and ninety-five.


E. BENJAMIN NELSON
Governor

ATTEST:



Scott Moore
Secretary of State