

NEBRASKA ADMINISTRATIVE CODE

TITLE 49 - DEPARTMENT OF BANKING AND FINANCE

CHAPTER 6 - RULE OF PROCEDURE FOR NEGOTIATED RULEMAKING

001 GENERAL.

001.01 This Rule has been promulgated pursuant to authority delegated to the Director of the Department in Section 84-919.01 of the APA.

001.02 The Department has determined that this Rule is in the public interest.

001.03 The definitions in 49 NAC 1.002 shall apply to the provisions of this Rule, unless otherwise specified.

002 NEGOTIATED RULEMAKING GENERALLY. This Rule establishes a framework for the conduct of negotiated rulemaking consistent with the APA and the Negotiated Rulemaking Act, Neb. Rev. Stat. §§ 84-921 to 84-932. Negotiated rulemaking is not a substitute for the requirements of the APA, but may be used as a supplemental procedure to development of new rules or the amendment or repeal of existing rules. The negotiated rulemaking process does not preclude other efforts or processes designed to reach consensus with affected or interested persons concerning the content of rules or regulations. A consensus agreement on a proposed rule reached by a negotiated rulemaking committee may be modified by the Department as a result of a subsequent formal rulemaking process.

003 DEFINITIONS. For purposes of this Rule, the following additional definitions shall apply:

003.01 Consensus means unanimous concurrence among the interests represented on a negotiated rulemaking committee unless the committee agrees upon another specified definition.

003.02 Convenor means a person who impartially assists the Department in determining whether establishment of a negotiated rulemaking committee is feasible and appropriate for a particular rulemaking procedure.

003.03 Facilitator means a person who impartially aids in the discussion and negotiations among the members of a negotiated rulemaking committee to develop a proposed rule. A facilitator shall not have decisionmaking authority.

003.04 Interest means, with respect to an issue or matter, multiple parties that have a similar point of view or that are likely to be affected in a similar manner.

003.05 Negotiated rulemaking means rulemaking through the use of a negotiated rulemaking committee.

003.06 Negotiated rulemaking committee means an advisory committee established to consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule.

003.07 Person means an individual, partnership, limited liability company, corporation, association, governmental subdivision, agency, or public or private organization of any character.

003.08 Rule or regulation means any rule, regulation, or standard issued by the Department, 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 rules and regulations concerning the internal management of the Department 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. For the purpose of this Rule, every rule and regulation which shall prescribe a penalty shall be presumed to have general applicability or to affect private rights and interests.

004 ESTABLISHMENT OF A NEGOTIATED RULEMAKING COMMITTEE; CRITERIA. The Department may establish a negotiated rulemaking committee to negotiate and develop a proposed rule if the Director determines that the use of the negotiated rulemaking procedure is in the public interest. In making that determination, the Director shall consider whether:

004.01 There is a need for the rule.

004.02 There are a limited number of identifiable interests that will be significantly affected by the rule.

004.03 There is a reasonable likelihood that a negotiated rulemaking committee can be convened with a balanced representation of the persons who:

004.03A Can adequately represent the interests identified; and

004.03B Are willing to negotiate in good faith to reach a consensus on the proposed rule.

004.04 There is a reasonable likelihood that a negotiated rulemaking committee will reach a consensus on the proposed rule within a fixed period of time.

004.05 The negotiated rulemaking procedure will not unreasonably delay the notice of proposed formal rulemaking and the issuance of the final rule pursuant to the APA.

004.06 The Department has adequate resources and is willing to commit those resources, including technical assistance, to the negotiated rulemaking committee.

004.07 The Department, to the maximum extent possible consistent with its legal obligations, will use the consensus of the negotiated rulemaking committee as the basis of the rule proposed in the formal rulemaking process of the APA.

005 CONVENORS; SELECTION; DUTIES. The Department, at the discretion of the Director, may use the services of a convener.

005.01 The Department may employ or contract for an organization or an individual to serve as a convener, or may use the services of a state employee to act as a convener. A convener shall not have a financial or other interest that would preclude him or her from serving in an impartial and independent manner. The Department shall determine whether a person under consideration as a convener has such an interest. A person disqualified under this criterion shall be dropped from further consideration.

005.02 The convenor may assist the Department in making the determination of need for a negotiated rulemaking process discussed in Section 004 of this Rule. The convenor may also assist the Department in:

005.02A Identifying persons who will be significantly affected by a proposed rule; and

005.02B Conducting discussions with affected persons on the issues of concern and ascertaining whether the establishment of a negotiated rulemaking committee is feasible and appropriate for the particular rulemaking.

005.03 The convenor shall report findings and make recommendations to the Department. Upon request of the Department, the convenor shall ascertain the names of persons who are willing and qualified to represent the interests that will be significantly affected by the proposed rule. The report by the convenor and any recommendations of the convenor shall be public records and made available to the public for review upon request.

006 PETITIONS FOR THE USE OF A NEGOTIATED RULEMAKING COMMITTEE. Any person may petition the Department to request the use of a negotiated rulemaking committee in the development or revision of a rule, as provided below.

006.01 A negotiated rulemaking process may be requested on any topic appropriate for a rule by the Department.

006.01A A negotiated rulemaking process may be requested only to develop or revise rules which carry out statutes that are within the authority of the Department to implement.

006.01B A negotiated rulemaking process may not be requested to develop a rule to vary or change the specific terms of a statute.

006.01C A negotiated rulemaking process may not be requested to negotiate a rule on a matter which is not within the definition of a rule as set forth in Section 003.08 of this Rule.

006.02 A request for the use of a negotiated rulemaking procedure shall be made by a petition that meets the requirements of form set out in this Section. In the event that it does not, the Department may refuse to accept it.

006.02A The petition may be in the form of a pleading that contains a caption, heading, and name as set forth on Form 49-6-1, which is attached to this Rule and incorporated herein by reference.

006.02B The petition may also be made in the form of a letter if the letter contains all of the information required by this Section and is clearly labeled as a petition for negotiated rulemaking.

006.02C All petitions must be on white, letter sized paper (8 1/2 inches x 11 inches) of standard weight.

006.02D Petitions must be legible, and may be typewritten, printed, or handwritten, or on a form photostatically reproduced. If handwritten, petitions must be in ink. Only one side of a page of a petition shall contain any writing.

Petitions must contain an original manual signature of the person requesting negotiated rulemaking or an authorized agent of such person.

006.02E Any documents that are intended to accompany a petition shall be securely fastened, clearly marked as attachments to the petition, and meet the other requirements of this Section as to size, print and legibility.

006.03 A petition for a negotiated rulemaking procedure shall meet the following requirements for content and substance. In the event that it does not, the Department may refuse to accept it.

006.03A The petition must identify the general subject matter about which the negotiated rulemaking procedure is requested, including the statutes, legislative bill(s) or other legal authority that provide authority for the desired rule, and, if amendments to existing rules are sought, identification of the rules by title, chapter and name.

006.03B The petition must identify the specific issue(s) proposed for inclusion in the negotiated rulemaking process.

006.03C The petition must discuss the facts surrounding each problem or issue proposed for inclusion in the negotiated rulemaking process.

006.03D The petition must discuss why a negotiated rulemaking process is in the public interest, including information on each of the criteria set out in Sections 004.01 through 004.05 of this Rule. The petition may also include information on the criteria included in Sections 004.06 and 004.07 of this Rule, to the extent such information is available to the petitioner. The petitioner may also submit such other information as may assist the Department in making a decision.

006.03E The petition must identify persons who will be significantly affected by any rule which might result from the proposed negotiated rulemaking process, to the extent known by the petitioner. The petitioner may also suggest the names of persons who are willing and qualified to represent the interests that will be significantly affected by the negotiated rulemaking process and the proposed rule.

006.04 A petition for a negotiated rulemaking process shall be filed with the Director. Filing may be made by personal delivery during regular Department office hours or by mail to its main office.

006.05 Upon the filing of a petition for a negotiated rulemaking procedure, the Director may designate a Department employee or use the services of a convenor to recommend to the Director whether a negotiated rulemaking process should be initiated.

006.06 Within sixty (60) days after submission of a petition for a negotiated rulemaking procedure, the Department shall:

006.06A Deny the petition in writing, stating the reason(s) for denial; or

006.06B Initiate the negotiated rulemaking process as provided in this Rule.

006.07 The decision of the Department with respect to a petition for a negotiated rulemaking procedure may be made in the form of a pleading or a letter clearly

designated as the decision on the petition. The petitioner shall be served with a copy of the final decision by certified mail, return receipt requested.

006.08 A decision by the Department with respect to a petition for a negotiated rulemaking procedure is not subject to judicial review, although nothing herein shall bar a judicial review if such is otherwise provided by law.

007 NOTICE OF A NEGOTIATED RULEMAKING COMMITTEE; COMMENT; APPLICATIONS FOR MEMBERSHIP. If a negotiated rulemaking committee is established, the Department shall use the following process to select committee membership:

007.01 The Department shall give notice to the Nebraska Secretary of State, publish notice in a newspaper having general circulation in the state, and, as appropriate, publish notice in other newspapers and publications. The notice shall include:

007.01A An announcement that the Department intends to establish a negotiated rulemaking committee to negotiate and develop a proposed rule.

007.01B A description of the subject and scope of the rule to be developed and the issues to be considered.

007.01C A list of interests likely to be significantly affected by the proposed rule.

007.01D A list of the persons proposed to represent the affected interests, if known, and the Department.

007.01E A proposed schedule for completing the work of the negotiated rulemaking committee.

007.01F An explanation of how a person may apply for or nominate another person for membership on the negotiated rulemaking committee.

007.02 Persons interested in making comments upon the formation of a particular proposed negotiated rulemaking committee shall have thirty (30) days from the date of publication of the notice concerning that negotiated rulemaking committee to do so. Such comments shall be in writing, and shall either be personally delivered to the Department or mailed to its main office.

007.03 Persons interested in applying for membership on a particular proposed negotiated rulemaking committee or in nominating other persons for such membership shall have thirty (30) days from the date of publication of the notice concerning that negotiated rulemaking committee to do so. Persons making application for membership shall do so on Form 49-6-2; persons making nominations for membership shall do so on Form 49-6-3. Such forms are attached to this Rule and incorporated herein by reference and shall be provided by the Department upon request. Persons making application for membership or nominations for membership may also do so by letter, if the letter contains all of the information set out in Form 49-6-2 or Form 49-6-3 and is clearly designated as an application or nomination for membership on a specific negotiated rulemaking committee.

008 ESTABLISHMENT OF A NEGOTIATED RULEMAKING COMMITTEE; PROCEDURE. After publication of notice and termination of the comment and membership application period, the Department will consider the comments and membership applications for a particular negotiated rulemaking committee and determine whether such a negotiated rulemaking committee can adequately represent the interests of the persons that will be significantly

affected by a proposed rule, and whether such a negotiated rulemaking committee is feasible and appropriate in the particular rulemaking. In making the final determination as to creation of a negotiated rulemaking committee, the Department may use the services of a convenor as set out in Section 005 of this Rule. In making the final determination as to creation of a negotiated rulemaking committee, the Department will apply the criteria set out in Section 004 of this Rule.

008.01 If, after such a determination, the Department decides that a negotiated rulemaking procedure is feasible, it shall establish a negotiated rulemaking committee as provided in this Rule. The negotiated rulemaking committee will negotiate issues and develop proposed rules for use by the Department in formal rulemaking.

008.02 If, after such a determination, the Department decides not to establish a negotiated rulemaking committee, the Department shall:

008.02A Notify the persons who commented on, applied for membership on, or nominated persons for membership on the particular negotiated rulemaking committee of the reasons for the decision not to establish such a negotiated rulemaking committee.

008.02B Publish notice of the decision not to establish the particular negotiated rulemaking committee in a newspaper having general circulation in the state, and, as appropriate, in other newspapers and publications.

009 NEGOTIATED RULEMAKING COMMITTEE: MEMBERSHIP. All members of a negotiated rulemaking committee shall participate in the deliberations of the negotiated rulemaking committee with the same rights and responsibilities as other members.

009.01 Members of a negotiated rulemaking committee may include:

009.01A A person designated by the Department to represent the Department. This person shall be authorized to fully represent the Department in the discussions and negotiations of the negotiated rulemaking committee.

009.01B Persons selected by the Department as willing and qualified to represent the interests that will be significantly affected by the proposed rule.

009.01C Persons contacted and recruited by the negotiated rulemaking committee itself by consensus as essential to the success of the negotiated rulemaking process.

009.01D Persons selected by the negotiated rulemaking committee by consensus upon review of a petition for membership or nomination as set out in Section 009.02 of this Rule.

009.02 Persons who will be significantly affected by a proposed rule and who believe that their interests will not be adequately represented by any person on a negotiated rulemaking committee may petition for, or nominate another person for, membership on the negotiated rulemaking committee.

009.02A Each petition or nomination for negotiated rulemaking committee membership shall be in writing and be submitted to the negotiated rulemaking committee by delivering or mailing the same to the Department. All such petitions or nominations shall include:

009.02A1 Identification of the applicable negotiated rulemaking proceeding.

009.02A2 The name of the petitioner or nominee, and a description of the interests the person represents.

009.02A3 Evidence that the petitioner or nominee is authorized to represent parties related to the interests the person proposes to represent.

009.02A4 A written commitment that the petitioner or nominee will actively participate in good faith in the development of the rule under consideration.

009.02A5 An explanation of reasons that the persons already on the negotiated rulemaking committee do not adequately represent the interests of the person submitting the petition or nomination.

009.02B Persons wishing to file such a petition for membership on a negotiated rulemaking committee may use the form attached hereto as Form 49-6-4; persons wishing to file such a petition for nomination to a negotiated rulemaking committee may use the form attached hereto as Form 49-6-5. Forms 49-6-4 and 49-6-5 are made a part of this Rule by reference. Persons wishing to file such a petition for membership or nomination to a negotiated rulemaking committee may also do so by letter, provided that the letter contains the information set forth in Forms 49-6-4 and 49-6-5.

009.02C Upon receiving a petition for membership on or nomination to a particular negotiated rulemaking committee, the negotiated rulemaking committee in question shall decide, by consensus at its next meeting, whether or not to expand its membership.

010 NEGOTIATED RULEMAKING COMMITTEE; OPERATION. A negotiated rulemaking committee established under this Rule shall consider the matter proposed by the Department for consideration and shall attempt to reach consensus concerning a proposed rule and any other matter the negotiated rulemaking committee determines is relevant to the proposed rule.

010.01 A negotiated rulemaking committee may adopt procedures or ground rules for the operation of the negotiated rulemaking committee consistent with this Rule and the pertinent Nebraska statutes.

010.02 The Department shall provide appropriate administrative support to a negotiated rulemaking committee including technical assistance and support.

010.03 The person representing the Department on a negotiated rulemaking committee shall participate in the deliberations of the negotiated rulemaking committee with the same rights and responsibilities as other members of the negotiated rulemaking committee and shall be authorized to fully represent the Department in the discussions and negotiations of the negotiated rulemaking committee.

010.04 If a negotiated rulemaking committee achieves consensus on a proposed rule at the conclusion of the negotiations, the negotiated rulemaking committee shall transmit to the Department a report containing the proposed rule.

010.05 If a negotiated rulemaking committee does not reach a consensus on the proposed rule, the negotiated rulemaking committee shall transmit to the Department a

report specifying areas in which the negotiated rulemaking committee reached consensus and the issues that remain unresolved. The negotiated rulemaking committee may include in the report any other information, recommendations, or materials that the committee considers appropriate. Any member of the negotiated rulemaking committee may include as an addendum to the report additional information, recommendations or materials.

011 FACILITATORS; SELECTION; DUTIES. A facilitator shall be selected to assist a negotiated rulemaking committee with its duties.

011.01 The Department may nominate a person to serve as a facilitator for the negotiations of a negotiated rulemaking committee, subject to the approval of the negotiated rulemaking committee by consensus. If the negotiated rulemaking committee does not approve the Department's nominee for facilitator, the Department shall submit a substitute nominee. If the negotiated rulemaking committee does not approve the substitute nominee of the Department for facilitator, the negotiated rulemaking committee shall select, by consensus, a person to serve as facilitator.

011.02 The Department may employ or contract for an organization or an individual to serve as a facilitator for a negotiated rulemaking committee or the Department may use the services of a state employee to act as a facilitator. A person designated by the Department to represent it on a negotiated rulemaking committee with respect to substantive issues may not serve as the facilitator. A facilitator shall not have a financial or other interest that would preclude him or her from serving in an impartial and independent manner. The Department shall determine whether a person under consideration for facilitator has such an interest. A person disqualified under this criterion shall be dropped from further consideration.

011.03 A facilitator approved or selected by a negotiated rulemaking committee shall:

011.03A Preside at the meetings of the negotiated rulemaking committee in an impartial manner.

011.03B Impartially assist members in conducting discussions and negotiations and achieving consensus.

011.03C Manage the keeping of minutes and records of negotiated rulemaking committee meetings, reports and decisions.

012 NEGOTIATED RULEMAKING COMMITTEE; EXPENSES. Members of a negotiated rulemaking committee shall be responsible for their own expenses of participation. However, the Department may pay for a negotiated rulemaking committee member's actual and necessary expenses incurred in serving on the negotiated rulemaking committee as provided in Neb. Rev. Stat. §§ 81-1174 through 81-1177 and a reasonable per diem rate of compensation if:

012.01 The negotiated rulemaking committee member certifies a lack of adequate financial resources to participate on the negotiated rulemaking committee using Form 49-6-6 which is attached to these regulations and incorporated herein by reference.

012.02 The Department determines that the negotiated rulemaking committee member's participation is necessary to assure an adequate representation of the interests of the members.

013 GRANTS OR GIFTS. The Department may accept grants or gifts from any source to fund a negotiated rulemaking process if:

013.01 Information on the name of the person giving the grant or gift and the amount of the grant or gift is available to the public.

013.02 The grant or gift is given to and accepted by the Department without placing any condition on the membership of a negotiated rulemaking committee or the outcome of the negotiated rulemaking process.

013.03 There is a consensus among the members of the negotiated rulemaking committee that the acceptance of the grant or gift will not diminish the integrity of the negotiated rulemaking process.

014 NEGOTIATED RULEMAKING COMMITTEE; TERMINATION. A negotiated rulemaking committee shall terminate upon the adoption of the final rule under consideration by the Department pursuant to the APA, unless the Department, after consulting the negotiated rulemaking committee, or the negotiated rulemaking committee itself sets an earlier termination date.

015 NEGOTIATED RULEMAKING PROCEDURE; JUDICIAL REVIEW. Any action of the Department relating to establishing, assisting or terminating a negotiated rulemaking committee under the Negotiated Rulemaking Act shall not be subject to judicial review, except that nothing in this Section shall bar judicial review if such judicial review is otherwise provided by law.

FORM 49-6-1
SAMPLE

BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF NEBRASKA

In the Matter of (insert statute)
numbers or name) by (insert name and) Petition for Negotiated
mailing address of Petitioner) Rulemaking

COMES NOW the Petitioner, [insert name of Petitioner], according to the Negotiated Rulemaking Act and according to 49 NAC 6 of the Rules of the Department of Banking and Finance, and requests that the Department of Banking and Finance establish a negotiated rulemaking committee as set forth in this Petition.

In support of this request, the Petitioner states as follows:

1. The Department of Banking and Finance administers the provisions of [insert sections of the statutes or legislative bill numbers for which negotiated rulemaking is sought], and is responsible for development of rules and regulations to implement these statutes.

2. Petitioner seeks a negotiated rulemaking procedure to [check one]:

- () develop new rules
- () amend existing rules, specifically ___ NAC ___,
entitled _____.
- () repeal certain existing rules, specifically ___ NAC ___,
entitled _____.

3. A negotiated rulemaking committee should be established to negotiate and develop rules on each of the following issues concerning the statute(s), legislative bill(s) or other legal authority identified above [identify each issue as to each statute, legislative bill or legal authority and the general scope of the rulemaking proposed]:

4. The relevant facts surrounding each of the issues listed in paragraph 3, above are as follows:

5. Establishment of a negotiated rulemaking committee would be in the public interest under each of the following criteria:

A. There is a need for rulemaking on the issue(s) identified above because:

B. There are a limited number of identifiable interests that will be significantly affected by the rule, including the following interests:

C. There is a reasonable likelihood that a negotiated rulemaking committee can be convened with a balanced representation of people who (1) can adequately represent the interests identified above and (2) are willing to negotiate in good faith to reach a consensus on the proposed rule, as shown by the following:

D. There is a reasonable likelihood that a negotiated rulemaking committee will reach a consensus on the proposed rule within a fixed period of time because:

E. The use of this procedure will not unreasonably delay formal rulemaking and issuance of a final rule because:

F. [Optional for response by Petitioner] The Department of Banking and Finance should, to the maximum extent possible and consistent with its legal obligations, use a consensus of such a negotiated rulemaking committee as the basis for a rule to be adopted under the Administrative Procedure Act because:

6. The following persons will be significantly affected by any rule which might result from the negotiated rulemaking procedure which is the subject of this Petition [identify such persons by name and address where possible]:

7. The following persons may be willing and qualified to represent the interests that will be significantly affected by any rule which might result from the negotiated rulemaking procedure which is the subject of this Petition [identify such persons by name and address where possible]:

8. Petitioner offers the following additional information for use by the Department in consideration of this request [if any]:

9. Petitioner has attached the following documents in support of this request [list all documents attached]:

Dated this _____ day of _____, 20____.

Signature of Petitioner

List Petitioner's name [typed or printed]

List Petitioner's full mailing address

List Petitioner's telephone number
[including area code]

List Petitioner's e-mail address, if applicable

Form 49-6-2
SAMPLE

BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF NEBRASKA

In the Matter of the Negotiated)	
Rulemaking Committee for	)	Application
(Insert name of the proposed	)	for Membership
Negotiated Rulemaking Committee),	)	on the Committee
_____ NAC _____)	

APPLICATION FOR MEMBERSHIP

1. The undersigned person (the applicant) hereby applies for membership on the above-referenced proposed negotiated rulemaking committee.

Name of applicant (typed or printed)

Full address of applicant

Applicant's telephone number
(including area code)

Applicant's e-mail address (if applicable)

2. The applicant represents the following identifiable interest which will be significantly affected by the proposed administrative rule to be considered by the above-referenced negotiated rulemaking committee:

3. The applicant is authorized to represent parties related to the interest listed above because:

4. The applicant can adequately represent the parties and interest listed above because:

5. In support of his or her application, the applicant has attached the following documents to this application (list all attachments):

6. By signing this application, the applicant hereby certifies that he or she will represent the interest identified above to the best of his or her ability in the negotiation process, and that he or she is willing to actively negotiate in good faith to reach a consensus on the proposed rule to be considered by the above-referenced negotiated rulemaking committee.

Signature of Applicant

Date _____

5. In support of the nomination of the nominee, the nominating party has attached the following documents to this nomination (list all attachments):

6. The nominating party believes that the nominee will represent the interest identified above to the best of his or her ability and that the nominee is willing to negotiate in good faith to reach a consensus on the proposed rule to be considered by the above-referenced negotiated rulemaking committee because:

Signature of Nominating Party

Date _____

Name of Nominating Party
(printed or typed)

Full address of Nominating Party

Telephone number of Nominating Party
(including area code)

Form 49-6-4
SAMPLE

BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF NEBRASKA

In the Matter of the Negotiated	)	Application
Rulemaking Committee for	)	for Membership
(Insert name of the proposed	)	on the Committee
Negotiated Rulemaking Committee),	)	(Interest Inadequately
_____ NAC _____	)	Represented)

APPLICATION FOR MEMBERSHIP

1. The undersigned person (the applicant) hereby applies for membership on the above-referenced negotiated rulemaking committee.

Name of applicant (typed or printed)

Full address of applicant

Applicant's telephone number
(including area code)

Applicant's e-mail address (if applicable)

2. The applicant represents the following identifiable interest which will be significantly affected by the proposed administrative rule to be considered by the above-referenced negotiated rulemaking committee:

3. The applicant is authorized to represent parties related to the interest listed above because:

4. The applicant can adequately represent the parties and interest listed above because:

5. Reasons that persons already serving on the above-referenced negotiated rulemaking committee do not adequately represent the interest listed in paragraph 2, above include:

6. In support of his or her application, the applicant has attached the following documents to this application (list all attachments):

7. By signing this application, the applicant hereby certifies that he or she will represent the interest identified above to the best of his or her ability in the negotiation process, and that he or she is willing to actively negotiate in good faith to reach a consensus on the proposed rule being considered by the above-referenced negotiated rulemaking committee.

Signature of Applicant

Date _____

Form 49-6-5
SAMPLE

BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF NEBRASKA

In the Matter of the Negotiated	)	Nomination
Rulemaking Committee for	)	for Membership
(Insert name of the proposed	)	on the Committee
Negotiated Rulemaking Committee),	)	(Interest Inadequately
____ NAC ____	)	Represented)

NOMINATION FOR MEMBERSHIP

1. The undersigned person (the nominating party) hereby nominates the following person (the nominee) for membership on the above-referenced negotiated rulemaking committee.

Name of nominee (typed or printed)

Full address of nominee

Nominee's telephone number
(including area code)

Nominee's e-mail address (if applicable)

2. The nominee represents the following identifiable interest which will be significantly affected by the proposed administrative rule being considered by the above-referenced negotiated rulemaking committee:

3. The nominee is authorized to represent parties related to the interest listed above because:

4. The nominee can adequately represent the interest listed above because:

5. Reasons that persons already serving on the above-referenced negotiated rulemaking committee do not adequately represent the interest listed in paragraph 2, above, include:

6. In support of the nomination of the nominee, the nominating party has attached the following documents to this nomination (list all attachments):

7. The nominating party believes that the nominee will represent the interest identified above to the best of his or her ability and that the nominee is willing to negotiate in good faith to reach a consensus on the proposed rule to be considered by the above-referenced negotiated rulemaking committee because:

_____ Date _____
Signature of Nominating Party

Name of Nominating Party
(printed or typed)

Full address of Nominating Party

Telephone number of Nominating Party
(including area code)

Form 49-6-6
SAMPLE

BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF NEBRASKA

In the Matter of the Negotiated)
Rulemaking Committee for) Certification of
(Insert name of the proposed) Financial
Negotiated Rulemaking Committee),) Need
____ NAC ____)

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

COMES NOW the undersigned, being first duly sworn, and hereby states and certifies as follows:

1. I am a member of the above-referenced negotiated rulemaking committee created by the Department of Banking and Finance.
2. In connection with my duties on that committee, I represent [insert the name of the appropriate identified interest].
3. In connection with my duties on that committee, I have incurred or will incur expenses and/or other costs.
4. I certify that I have a lack of adequate financial resources to serve on the above-referenced negotiated rulemaking committee, and that I need financial assistance from the Department in order to serve.

Signature of Affiant

Subscribed and sworn to before me this ____ day of _____, ____.

Notary Public