

NEBRASKA ADMINISTRATIVE CODE

TITLE 49 - DEPARTMENT OF BANKING AND FINANCE

CHAPTER 7 - RULE OF PROCEDURE FOR PETITIONING FOR RULE MAKING

001 GENERAL.

001.01 This Rule has been promulgated pursuant to authority delegated to the Director of the Department in Section 84-909 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 RULEMAKING PETITION.

002.01 Petition. Any person may petition the Department requesting the promulgation, amendment, or repeal of a rule or regulation.

002.02 Form. The petition shall:

002.02A Be clearly designated as a petition for a rule change.

002.02B In the case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety.

002.02C In the case of a petition for the repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by Department rule number.

002.02D Describe the reason for the rule change.

002.02E Include an address, telephone number and e-mail address, if applicable, where the petitioner can be reached during regular work hours.

002.02F Be signed by:

002.02F1 The petitioner or his or her attorney, in which case the attorney shall also state his or her address, telephone number and e-mail address, if applicable; or

002.02F2 A duly authorized officer of the petitioner, if petitioner is a corporation or other legal entity.

003 PETITION CONSIDERATION AND DISPOSITION. Within sixty (60) days after submission of a petition which meets the requirements of Section 002 of this Rule, the Department shall either:

003.01 Deny the petition in writing, stating its reasons therefor;

003.02 Initiate rulemaking proceedings in accordance with the APA; or

003.03 If otherwise lawful, adopt a rule.