

TITLE 305 - NEBRASKA REAL ESTATE COMMISSION

Chapter 2 - Rules of Practice and Procedure for Petitioning for Rulemaking

001 General Information.

001.01 Application of Rules. These rules are promulgated pursuant to Neb. Laws 1994, LB 446, and 53 Nebraska Administrative Code, Chapter 2.

002 Rulemaking Petition.

002.01 Petition. Any person may petition the State Real Estate Commission requesting the promulgation, amendment, or repeal of a rule or regulation.

002.02 Form. The petition:

002.02A Shall 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the repeal of an existing rule, shall state that it is a petition for repeal and shall either set forth the rule to be repealed in full or shall refer to it, by the State Real Estate Commission rule number;

002.02D Shall describe the reason for the rule change;

002.02E Shall include an address and telephone where the petitioner can be reached during regular work hours; and

002.02F Shall 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 bar number;

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

003 Petition Consideration and Disposition.

003.01 Within sixty (60) days after submission of a petition, the State Real Estate Commission shall:

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

003.01B Initiate rulemaking proceedings in accordance with the Administrative Procedure Act;

003.01C If otherwise lawful, adopt a rule or regulation.