TITLE 297, CHAPTER 1
NEBRASKA REAL PROPERTY APPRAISER BOARD

STATE OF NEBRASKA

Procedures For Negotiated Rulemaking

As Adopted by the Real Property Appraiser Board

August 11, 1999

Signed by the Governor
November 5, 1999

Effective
November 10, 1999

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NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD

TITLE 297 --- MODEL RULES OF AGENCY PROCEDURE

CHAPTER 1 --- PROCEDURES FOR NEGOTIATED RULEMAKING

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NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD

TITLE 297 --- MODEL RULES OF AGENCY PROCEDURE

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TITLE 297 NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD

CHAPTER 1 Rules of Practice and Procedure for Negotiated 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 1.

002 Negotiated rulemaking generally. The purpose of these regulations is to establish a framework for the conduct of negotiated rulemaking consistent with the Administrative Procedure Act and the Negotiated Rulemaking Act. The negotiated rulemaking process can be used by the Real ~~Estate~~ Property Appraiser Board, whenever appropriate, to resolve controversial issues prior to the commencement of formal rulemaking. Negotiated rulemaking is not a substitute for the requirements of the Administrative Procedure Act, but may be used as a supplemental procedure to permit the direct participation of affected interests in the development of new rules or the amendment or repeal of existing rules. The negotiated rulemaking process also does not preclude other Appraiser Board 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 Appraiser Board as a result of a subsequent formal rulemaking process.

003 Definitions. For purposes of this Chapter of these model procedural rules:

003.01 APA shall mean the Administrative Procedure Act, ***Neb. Rev. Stat. §§*** 84-901 through 84-920.

003.02 Agency shall mean the Appraiser Board, including the Director and staff. **Agency** shall not include those entities exempted in ***Neb. Rev. Stat. §*** 84-901 (1).

003.03 Board shall mean the Nebraska Real ~~Estate~~ Property Appraiser Board the governing board of state government which is promulgating these procedural rules.

003.04 Consensus shall mean unanimous concurrence among the interests represented on a negotiated rulemaking committee unless the committee agrees upon another specified definition.

003.05 Convenor shall mean a person who impartially assists the Board in determining whether establishment of a negotiated rulemaking committee is feasible and appropriate for a particular rulemaking procedure.

003.06 Facilitator shall mean 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 decision-making authority.

003.07 Director shall mean the person appointed as the Director of the Board by the Board pursuant to NEB. REV. STAT. §76-2224.

003.08 Interest shall mean, 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.

003.09 Negotiated rulemaking shall mean rulemaking through the use of a negotiated rulemaking committee.

003.10 Negotiated rulemaking committee or **committee** shall mean an advisory committee established to consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule.

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

003.12 **Rule** or **regulation** shall mean any rule, regulation, or standard issued by the Board, 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 Board not affecting private rights, private interests, or procedures available to the public, and any rules of interpretation thereof, and for the purpose of the APA, 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 Board may establish a negotiated rulemaking committee to negotiate and develop a proposed rule if the Board determines that the use of the negotiated rulemaking procedure is in the public interest. In making that determination, the Board 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 committee can be convened with a balanced representation of 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 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 Board has adequate resources and is willing to commit those resources, including technical assistance, to the committee.

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

005 **Convenors; selection; duties**. The Board, at its discretion, may use the services of a convenor.

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

005.02 The convenor may assist the Board in making the determination of need for a negotiated rulemaking process discussed in section 004 above. The convenor may also assist the agency in:

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

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 Board. Upon request of the Board, 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. That 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 Board 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 or regulation by the agency.

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 Board to implement.

006.01B A negotiated rulemaking process may not be requested to develop a rule or regulation 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 or regulation as set forth in subsection 003.12 above.

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 subsection. In the event that it does not, the Board may refuse to accept it.

006.02A A petition may be in the form of a pleading that contains a caption, heading, and name as set forth on Attachment 1, which is attached to these model rules and made a part of them by reference.

006.02B A petition may also be made in the form of a letter so long as the letter contains all of the information required by these regulations and is clearly delineated as a petition for negotiated rulemaking.

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

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

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 Board 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 or legislative bill(s) which provide authority for the desired regulation, and, if amendments to existing regulations are sought, identification of the regulations 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 subsections 004.01 through 004.05 above. The petition may also include information on the criteria included in subsections 004.06 and 004.07 above, to the extent such information is available to the petitioner. The petitioner may also submit such other information as may assist the Board 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 agency director. Filing may be made by personal delivery during regular Agency office hours or by mail.

006.05 Upon the filing of a petition for a negotiated rulemaking procedure, the agency director or convenor designated by the Board may recommend to the Board whether a negotiated rulemaking process should be initiated.

006.06 Within sixty (60) days after submission of a petition for a negotiated rule making procedure, the Board 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 these rules.

006.07 The decision of the Board with respect to a petition for a negotiated rule making 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 Board's final decision by certified mail, return receipt requested.

006.08 A decision by the Board 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 the Board decides to go forward with the establishment of a negotiated rulemaking committee, the Board shall proceed with the following process.

07.01 The Agency shall give notice to the 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 Board 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 and the Board.

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

007.01F An explanation of how a person may apply for or nominate another person for membership on the 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 committee to do so. Such comments shall be in writing, and shall either be personally delivered or mailed to the Agency at its business 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 committee to do so. Persons making application for membership or nominations for membership shall do so on Attachment 2 which is attached to these regulations and made a part of these regulations by reference, and which shall be provided by the Agency. Persons making application for membership or nominations for membership may also do so by letter, so long as the letter contains all of the information set out in Attachment 2 and is clearly delineated 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 Board will consider the comments and membership applications for a particular negotiated rulemaking committee and determine whether such a committee can adequately represent the interests of the persons that will be significantly affected by a proposed rule, and whether such a committee is feasible and appropriate in the particular rulemaking. In making the final determination as to creation of a negotiated rulemaking committee, the Board may use the services of a convenor as set out in Section 005 above. In making the final determination as to creation of a negotiated rulemaking committee, the Board and its agency director will apply the criteria set out in 004 above.

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

008.02 If, after such a determination, the Board decides not to establish a negotiated rulemaking committee, the Agency 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 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 committee with the same rights and responsibilities as other members.

009.01 Members of a negotiated rulemaking committee may include:

009.01A A Board member, employee of the Agency, or person designated by the Board to represent the Agency. This person shall be authorized to fully represent the Agency in the discussions and negotiations of the committee.

009.01B Persons selected by the Board 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 committee review of a petition for membership or nomination as set out in subsection 009.02 below.

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 committee membership shall be in writing and be submitted to the negotiated rulemaking committee by delivering or mailing the same to the Agency. 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 or nomination to a negotiated rulemaking committee may use the form attached hereto as Attachment 3. Attachment 3 is made a part of these regulations 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 above.

009.02C Upon receiving a petition for membership on or nomination to a particular negotiated rulemaking committee, the 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 these rules shall consider the matter proposed by the Board for consideration and shall attempt to reach consensus concerning a proposed rule and any other matter the 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 committee consistent with these rules and the pertinent Nebraska statutes.

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

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

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

010.05 If a negotiated rulemaking committee does not reach a consensus on the proposed rule, the committee shall transmit to the Board a report specifying areas in which the committee reached consensus and the issues that remain unresolved. The committee may include in the report any other information, recommendations, or materials that the committee considers appropriate. Any member of the 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 Agency may nominate a person to serve as a facilitator for the negotiations of a negotiated rulemaking committee, subject to the approval of the committee by consensus. If the committee does not approve the Agency's nomination for facilitator, the Agency shall submit a substitute nomination. If the committee does not approve the substitute nomination of the Agency for facilitator, the committee shall select, by consensus, a person to serve as facilitator.

011.02 The Agency may employ or contract for an organization or an individual to serve as a facilitator for a negotiated rulemaking committee, or the Agency may use the services of a state employee to act as a facilitator. A person designated by the Agency 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 Agency 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 committee shall:

011.03A Preside at the meetings of the 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.

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

012.01 The committee member certifies a lack of adequate financial resources to participate on the committee using the form at Attachment 4 which is attached to these regulations and made a part of them by reference; and,

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

013 **Grants or gifts.** The Agency 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 Agency without placing any condition on the membership of a 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 Board pursuant to the APA, unless the Board, after consulting the committee, or the committee itself specifies an earlier termination date.

015 **Negotiated rulemaking procedure; judicial review**. Any action of the Board 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.

297 NAC 1 - ATTACHMENT 1
SAMPLE

BEFORE THE NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD
STATE OF NEBRASKA

In the Matter of [insert statute number or name]	)	
by [insert name of Petitioner]	)	Petition for Negotiated
	)	Rulemaking

COMES NOW the petitioner, [insert name of Petitioner], according to the Nebraska Negotiated Rulemaking Act and according to the [insert name of agency] rules and regulations for Petitions for Negotiated Rulemaking, and requests that the Nebraska Real ~~Estate~~ Property Appraiser Board establish a negotiated rulemaking committee as set forth in this Petition.

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

1. The Nebraska Real ~~Estate~~ Property Appraiser Board 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 regulation(s) identified above [identify each issue as to each statute, legislative bill or regulation and the general scope of the rulemaking proposed]:

4. The 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 based upon the information the Petitioner hereby submits.

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 (1) who 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 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 Nebraska Real ~~Estate~~ Property Appraiser Board should commit its resources, including technical assistance, to such a committee because:

G. [Optional for response by Petitioner] The Nebraska Real ~~Estate~~ Property Appraiser Board should, to the maximum extent possible consistent with its legal obligations, use a consensus of such a 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 this agency 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 _____, _____ .

_____
Signature of Petitioner

List Petitioner's name [typed or printed]
List Petitioner's full mailing address
List Petitioner's telephone number [including area code]

297 NAC - ATTACHMENT 2
SAMPLE

BEFORE THE NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD
STATE OF NEBRASKA

In the Matter of the Negotiated	)	
Rulemaking Committee for	)	Application/Nomination
[Insert name of the proposed	)	for membership
Negotiated Rulemaking Committee],		) on the committee.
____ NAC ____	)	

APPLICATION FOR MEMBERSHIP
(complete if applicable)

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

_____
Name of applicant (typed or printed)

_____
Full address of applicant

_____
Applicant's telephone number (including area code)

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 negotiating 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 petition (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.

_____ Date _____
Signature of Applicant

NOMINATION FOR MEMBERSHIP
(complete if applicable)

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

_____
Name of nominee (typed or printed)

_____
Full address of nominee

_____
Nominee's telephone number (including area code)

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

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

5. In support of the nomination of the nominee, the nominating party has attached the following documents to this petition (list 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 rule making committee because:

_____ Date _____
Signature of Nominating Party

_____
Name of nominating party (typed or printed)

_____
Full address of nominating party

_____
Telephone number of nominating party (including area code)

297 NAC - ATTACHMENT 3
SAMPLE

BEFORE THE NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD
STATE OF NEBRASKA

In the Matter of the Negotiated	) Application/Nomination
Rulemaking Committee for	) for membership
[Insert name of the proposed	) on the committee
Negotiated Rulemaking Committee],	) (interest inadequately
____ NAC ____ .	) represented)

APPLICATION FOR MEMBERSHIP
(complete if applicable)

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)

2. The applicant represents the following identifiable interest which will be significantly affected by the proposed administrative rule being considered by the above-referenced negotiating 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 rule making 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 petition (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.

_____ Date _____
Signature of Applicant

NOMINATION FOR MEMBERSHIP
(complete if applicable)

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)

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 rule making 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 petition (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 actively negotiate in good faith to reach a consensus on the proposed rule to be considered by the above-referenced negotiated rule making 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)

297 NAC - ATTACHMENT 4
SAMPLE

BEFORE THE NEBRASKA REAL ~~ESTATE~~ PROPERTY APPRAISER BOARD
STATE OF NEBRASKA

In the matter of the Negotiated Rulemaking Committee for [Insert name of the proposed Negotiated Rulemaking Committee], ____ NAC ____.	))))	Certification of Financial Need

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 Nebraska Real ~~Estate~~ Property Appraiser Board.

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 this agency in order to serve.

_____

Signature of Affiant

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

_____
Notary Public