STATE OF NEBRASKA

ABSTRACTERS BOARD OF EXAMINERS

MARDY McCULLOUGH, Director
Location Address: 301 South 14th Street, SE, 1st Floor
Lincoln, Nebraska 68508
Mailing Address: P.O. Box 94944
Lincoln, Nebraska 68509
Telephone (402) 471-2383
Email: mardy.mccullough@nebraska.gov

May 23, 2017

FILED
MAY 25 2017
SECRETARY OF STATE

BOARD OF EXAMINERS

JASON S. WHITE, Chair
Attorney at Law
Custer Title and Abstract
345 South 10th Avenue
P.O. Box 586
Broken Bow, NE 68822
(308) 872-6481
Email: jason@schaperandwhite.com

JOHN S. LAFLIN, Vice Chair
Pinnacle Bank
1401 N Street
Lincoln, NE 68508
(402) 434-3125
Email: jlaflin@pinnbank.com

ROY HAHN
Attorney at Law
Sorensen and Hahn Law Firm
725 Heatherwood Street
Fremont, NE 68025
(308) 632-2991
Email: royhahn@earthlink.net

TIMOTHY M. GRAY
McCarthy Abstract Company
118 North 5th Street
P.O. Box 528
O'Neill, NE 68763
(402) 336-2860
Email: tim@mccarthyabstract.com

ELLEN ALBRECHT
First American Title
Insurance Company
13924 Gold Circle
Omaha, NE 68114
(402) 697-4646
Email: ealbrecht@firstam.com

Hon. John A. Gale
Secretary of State
State of Nebraska
State Capitol, Room 2300
Lincoln, Ne 68509

Re: Rules and Regulations Hearing

Dear Hon. Gale:

Enclosed please find -

1) *Proposed Rules for Abstracters Board of Examiners*
2) *Policy Pre-Review Checklist*
3) *Fiscal Impact Statement*
4) *Explanatory Statement*
5) *Notice of Public Hearing*
6) *Electronic Copy of Proposed Rules*

If you have any question on the proposed rules, statement or hearing notice, please contact me.

Sincerely,

Mardy McCullough

MARDY McCULLOUGH, Director

MM:m
Enclosures

May 25, 2017

To: Barbara (473-7448; Fax: 473-7177)

From: Mardy McCullough

Re: Notice of Meeting to be published one time on Friday, May 26th, 2017

Notice

Notice is hereby given that the Abstracters Board of Examiners will hold a public hearing pursuant to Neb.Rev.Statutes, Section 84-907, on the 6th day of July at 11:00, a.m. to be held at the Nebraska State Office Building, 301 South 14th Street, Lincoln, Nebraska, Lower Level, Room C, for the proposed amendment of Title 1, Nebraska Abstracters Act. Chapters 1 - 10. The proposed amendments update Chapters 1 - 10 to reflect statutory changes.

The purpose of this hearing is to take testimony and receive comments/evidence on proposed changes to the rules and regulation consistent with the authority granted by law.

Director of the Abstracters Board of Examiners has scheduled the public hearing as required by Administrative Procedure Act, Neb.Rev.Statutes,. Sections 84-901 to 84-920 for the proposed amendments of Title 1, Nebraska Abstracters Act, Chapters 1 - 10. The proposed amendments update Chapters 1 - 10 to reflect statutory changes.

There is no fiscal impact to the Abstracters Board of Examiners or any other agency or political subdivisions due to the proposed amendments of Chapters 1 - 10. The fiscal impact on the regulated public due to the proposed amendment of Chapters 1 - 10 is not quantifiable or indeterminable.

Copies of the changes to Chapters 1 - 10 are available for public examination at the office of the Abstracters Board of Examiners, Nebraska State Office Building,301South 14th Street, SE, 1st Floor, Lincoln, Nebraska, as well as the Office of the Secretary of State , State Capitol Building, Room 343, Lincoln, Nebraska, and the Secretary of State's website at www/sos.ne.gov. A copy of the Fiscal Impact Statement is available at the Abstracters Board of Examiners as well.

All interested persons are invited to attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments to the Abstracters Board of Examiners before the date of the hearing, which will be entered into the record.

Reasonable accommodations will be provided to persons with disabilities up advance request. to Mardy McCullough at (402) 471-2383. Or if hearing impaired, call (800) 833-7352 TDD at least two (2) weeks prior to the hearing.

Send bill to Abstracters Board of Examiners
P.O. Box 94944, Lincoln, Ne 68509

For additional information, contact:

Mardy McCullough, Director
Abstracters Board of Examiners
402.471.2383

legals@journalstar.com

EXPLANATORY STATEMENT FOR PROPOSED REGULATION(S)

Title: *1*

Chapters: *1 - 10*

Subject: *Update of Abstracters Act*

Action: *Amendments for Clarification and Update*

Prepared By: *Mardy McCullough, Director*
Abstracters Board of Examiners

Date: *May, 2017*

The Abstracters Board of Examiners is amending these regulations as provided by law and submitting this Explanatory Statement to accompany the regulations and describe their purpose and the changes made during the rulemaking process.

As required by the Administrative Procedure Act, information on the proposed regulations was provided to the Secretary of State, the Governor and to the Executive Board of the Legislative Council on September 7, 2016.

Reasons for Rulemaking Process: *The proposed rules will allow the Abstracters Act to be adequately and fairly administered.*

Necessity of Proposed Regulations: *The current rules and regulations were adopted in 1985. These proposed changes to the Abstracters Act are necessary because of laws passed and/or clarification of procedures since 1985. Most changes were editing or technical language changes which are essentially no change in policy. The changes generally consist of identifying insufficient or inconsistent language and/or best practices. There is little, or no, impact on the licensed abstracters or abstracting companies.*

Public Hearing: *A public hearing was held on October 27th, 2016, in Conference Room F of the Nebraska State Office Building located at 301 South 14th Street, Lincoln, Nebraska.*

Changes in Text between Notice and Adoption: *The title of each section was changed from "Rule" to "Chapter" and there was a typographical error in one of the titles in Chapter 9.*

Efforts to Address Issues of Groups or Individuals Who Have Commented: *Are the comments incorporated into the final regulations? If yes, which issues? If not, why not?*

No comments were received on the amendments to Title 1, Chapters 1 - 10.

Fiscal Impact: *There is no fiscal impact.*

FTE Impact: *None*

Unfunded Mandates? *No*

Issues of Unique Interest, If Applicable: *N/A*

Was Negotiated Rulemaking Process Used: *No*

MAY 25 2017

FISCAL IMPACT STATEMENT

Agency: Nebraska Abstracters Board of Examiners
Title, Chapter: Title 1, Chapters 1- 10
Subject: Update of Rules and Regulations

Prepared by: Mardy McCullough, Director
Date: May ____, 2017
Telephone: (402) 471-2383

Type of Fiscal Impact: ***No Fiscal Impact***

State Agency: The proposed changes will have no fiscal impact on the Nebraska Abstracters Board of Examiners.

Political Subdivision: The proposed changes will have no fiscal impact on political subdivisions.

Regulated Public: The proposed changes will possibly make regulation of the Abstracters Act better understood by the public.

WILL THE PROPOSED REGULATIONS REDUCE, INCREASE OR HAVE NO CHANGE IN RESOURCES, FUNDS, PERSONNEL OR FTE? *No*

HAVE INITIAL CONTACTS BEEN MADE WITH CITIZENS OR ORGANIZATIONS THAT MAY BE IMPACTED BY THE PROPOSED REGULATION? *At the annual meeting in September, 2016, of the Nebraska Land Title Association, the trade association for abstracters, the Chair of the Abstracters Board announced in her report that a hearing on the rule changes was being scheduled.*

DOES THE PROPOSED REGULATION IMPACT ANOTHER AGENCY? *No*

WILL THE PROPOSED REGULATION REDUCE, INCREASE, OR HAVE NO CHANGE ON REPORTING REQUIREMENTS OF BUSINESSES? *No Changes*

WHAT IS THE AGENCY'S BEST ESTIMATE OF THE ADDITIONAL OR REDUCED SPENDING? *There is no additional or reduced spending involved in these proposed regulations.*

MAY 25 2017

Proposed Regulation
Policy Pre-Review Checklist
May, 2017

Agency: Abstracters Board of Examiners
Title, Chapters of Regulation: Title 1, Chapters 1 - 10
Subject: Update of Rules and Regulations
Prepared by: Mardy McCullough
Telephone: (402) 471-2383

A. *Policy Changes and Impacts*

1. *What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impact on state agencies, political subdivision, and regulated persons or entities.*

   The proposed amendments would update Title 1, Chapters 1 - 10, of the Abstracters Act which regulates abstracting companies and registered abstracters. The proposed amendments will impact only the abstracting companies and registered abstracters.

2. *Describe changes being proposed to current policy and briefly provide rationale.*

   Changes are based on statutory changes in the Abstracters Act.

B. *Why is the rules necessary? Explain and provide an identification of authorizing statutes or legislative bills.*

1. *Update of regulations (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.*
2. *Annual changes - **None**.*
3. *Law was changed - federal - None, or state or legislative bills. **These regulations were last updated in 1985. Obviously, there have been several laws involving the Abstracters Act that have changed over the years. These regulations reflect these changes.***
4. *Extension of established policy or program, new initiatives or changes in policy (within statutory authority).*
5. *Constituent initiated - **No.***
6. *Financial needs - increases/decreases in fees. **No.***
7. *Litigation requires changes in rules. **No.***
8. *Addresses legal or constitutional concerns of Attorney General's office. **No.***
9. *Implements federal or court mandate. **No.***
10. *Other (explain). **None.***

C. *What happens if these rules are not adopted?*

The chapters will remain inconsistent with the Abstracters Act .

D. *Policy Checklist.*

1. *Is this an update or editorial change reflecting essentially no change in policy? **Yes.***

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2. *Does the policy in the proposed regulation reflect legislative intent?* ***Yes.***
3. *Is the policy proposed in the regulations a state mandate on local government?* ***No.*** *Is it funded?* ***No.***
4. *Is the policy proposed in the regulations a federal mandate on local government?* ***No.*** *Is it funded?* ***No.***

E. *Fiscal Impact. In addition to completing the regulated Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:*

1. *Will the proposed regulations reduce, increase, or have no change in resources – funds, personnel or FTE?* ***No.***
2. *Have initital contact been made with citizens or organizations that may be impacted by the proposed regulations?* ***Yes.***
3. *Does the proposed regulations impact another agency?* ***No.***
4. *Will the proposed regulations reduce, increase, or have no change on reporting requirements or businesses?* ***No.***
5. *What is the agency's best estimate of the additional or reduced spending? If there is none, please note.* ***None.***
   If receipt of federal funds is contingent upon approval of the proposed regulations, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information. ***No.***
6. *Include a description of the impact that the proposed regulations will have on the number of state employees and how the agency intends to address proposed increases or decreases in FTE?* ***No impact on state employees.***

F. *Unique problems or issues and recommendations.* ***None.***

G. *Who is expected to be affected, or to oppose or support the proposed regulations? Will the agency solicit public comment on the proposed regulation before the public hearing? Explain what initial informal contacts have been made with organizations or citizens who may be affected by the regulations prior the public hearing.*

The changes were explained to the abstracters trade organization at their annual meeting. No opposition is known at this time and no opposition is expected to materialize.

H. *Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issued were addressed.*

These proposed rules are not a likely candidate for negotiated rulemaking.

Director's Verification of Review

I have reviewed these proposals and verify that, at this state of the regulation's development, these questions have been accurately addressed.d

Director's Signature _____ ***Date*** _____
Mardy McCullough, Director

MAY 2 5 2017