NEBRASKA

Good Life. Great Future.

DEPARTMENT OF MOTOR VEHICLES

Pete Ricketts, Governor

May 31, 2017

FILED
JUN - 2 2017
By Bess Boesiger SECRETARY OF STATE

John Gale
Secretary of State
State of Nebraska
State Capitol Building Suite 2300
1445 K St.
Lincoln, NE 68508

Re: Amended Rule Title 249 Nebraska Administrative Code, Chapter 2, Rules and Regulations Governing Specialty License Plates, Neb.Rev.Stat. §§ 60-361, 60-3,104.01 and 60-3,104.02

Dear Sec. Gale:

In compliance with the Administrative Procedure Act, 84-907.06, I am providing you (a) a copy of the hearing notice required by section 84-907, (b) a draft copy of the proposed amended rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Sincerely,

Noelie Ackermann Sherdon
Legal Counsel
Nebraska Department of Motor Vehicles

Encs.

Noelie Ackermann Sherdon, Legal Counsel
Department of Motor Vehicles | LEGAL DIVISION
P.O. Box 94699
301 Centennial Mall South
Lincoln, Nebraska 68509
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NOTICE OF PUBLIC HEARING and COMMENT PERIOD

NOTICE is hereby given that the Department of Motor Vehicles will hold a rulemaking amendment hearing on July 3, 2017, beginning at 9:30 a.m. in Conference Room "A ", Lower Level, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

THE PURPOSE of the hearing is to take testimony and evidence concerning the amendment of: TITLE 249, CHAPTER 2 OF THE NEBRASKA ADMINISTRATIVE CODE entitled RULES AND REGULATIONS GOVERNING SPECIALTY LICENSE PLATES, NEB. REV. STAT. §§ 60-361, 60-3,104.01, AND 60-3,104.02.

The regulation will be amended to reflect a statutory change made by LB 977, Sec. 7, 2016. The bill made a specific change that affects this regulation and changes the number of pre-orders needed for the Department of Motor Vehicles to produce and issue a new specialty license plate. The number of plate orders required for issuance of a specialty license plate was reduced in LB 977 from 500 to 250. The regulation will be amended to reflect the lower number of required pre-orders. DMV will also remove long passed dates from the regulation that applied to the initial availability of specialty plates.

THIS RULE MAKING HEARING is being conducted under the Nebraska Administrative Procedures Act, Neb. Rev. Stat. § 84-907, et. seq. Draft copies of the proposed regulations are available for public examination at the Department of Motor Vehicles, Legal Division, 1st Floor State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509-4699 and at the office of the Secretary of State, Rules and Regulations Division, Room 1305, State Capitol, 1st Floor, Lincoln, Nebraska 68509-4608. A copy of the proposed rule will also be available for downloading from the Nebraska Secretary of State Website prior to the date of the hearing at: http://www.sos.state.ne.us .

There is no new FISCAL IMPACT upon the state or political subdivisions from these rules and regulations. A copy of the fiscal impact statement is available at the above addresses.

ALL INTERESTED PERSONS are invited to attend and testify at the hearing. Interested persons may prefer to submit written comments during the PUBLIC COMMENT PERIOD. The public comment period begins with the publication of this notice and will close at the time of the public hearing. Any written comment received prior to or at the public hearing shall be made part of the hearing record at the time of the hearing. Written comments should be addressed to Noelie Ackermann Sherdon, Department of Motor Vehicles, Legal Division, 1st Floor, State Office Building, 301 Centennial Mall South, Lincoln, NE 68509-4699 (fax 402-471-4828). Written comments may also be submitted by email to noelie.sherdon@nebraska.gov . Online comments may also be sent via the Secretary of State Webpage. Instructions for making on-line comments are located by accessing the www.sos.state.ne.us, selecting rules and regulations and clicking on Overview of Online Services. If auxiliary aids or reasonable accommodations are needed to review the drafts or participate in this process, please call the above at (402) 471-9593.

DATED: June 2, 2017

Rhonda K. Lahm, Director
Department of Motor Vehicles
State of Nebraska

Nebraska Administrative Regulation
Fiscal Impact Statement

Agency:	Department of Motor Vehicles	Prepared By:	Gary Ryken
Title:	249	Date Prepared:	24-Oct-16
Chapter:	2	Phone:	471-3902
Name:	**RULES AND REGULATIONS OF THE DEPARTMENT OF MOTOR VEHICLES GOVERNING SPECIALTY LICENSE PLATES NEB.REV.STAT. SS 60-361, 60-3,104.01 AND 60-3,104.02.**	Statement Status:	( ) Draft (X) Final

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increase Costs	( )	( )	( )
Decrease Costs	( )	( )	( )

Description of Impact:

NONE

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PROPOSED REGULATION
POLICY PRE-REVIEW CHECKLIST

Agency: **Department of Motor Vehicles**

Title, Chapter of Rules submitted: **Title 249 NAC Chapter 2**

Subject: Amended **RULES AND REGULATIONS GOVERNING SPECIALTY LICENSE PLATES, NEB.REV.STAT. §§ 60-361, 60-3,104.01, AND 60-3,104.02.**

Prepared by: **Noelie Sherdon, Legal Counsel**
Telephone: **471-4706**

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 subdivisions, and regulated persons or entities.

This rule impacts organizations that want to have the Department of Motor Vehicles (DMV) produce a specialty license plate for their non-profit organization. Due to a statute change in LB 977, 2016, Sec. 7, the propose rule will be amendment to lower the initial number of required orders from 500 to 250 for the plate to be produced. This rulemaking is to harmonize the rule with new statute. The rule also adds language that if a future Nebraska Legislature enacts legislation that affects and term of this rule, the statutory language enacted in the bill will control the rule and the rule will be interpreted to incorporate the new statutory provisions upon the effective date of the statute until the rule is formally amended. A copy of the current regulations showing the change marked in red is enclosed.

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

This change will make it easier for organizations to obtain a specialty plate.

B. Why is the rule necessary? Explain and provide an identification of authorizing statute(s) or legislative bill(s).

1. Update of regulation –to reflect current policy (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.)
2. Annual changes - cost of living, hunting season schedules, etc.
3. Law was changed – federal___ or state **X_ LB 977, 2016, Sec. 7.**
4. Extension of established policy or program, new initiatives or changes in policy (within statutory authority)
5. Constituent initiated.
6. Financial needs – increases/decreases in fees.
7. Litigation requires changes in rules.
8. Addresses legal or constitutional concerns of Attorney General's office.
9. Implements federal or court mandate.

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10. Other (explain)

C. What happens if these rules are not adopted?

The rule will not match the change made by the Legislature.

D. Policy Checklist

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

The proposed rule change just reflects the change made by the Legislature.

2. Does the policy in the proposed regulation reflect legislative intent?

Yes

3. Is the policy proposed in the regulation a state mandate on local government? Is it funded?

The proposed rule reflects the policy set by the Legislature in statute.

4. Is the policy proposed in the regulation a federal mandate on local government? Is it funded?

No and no.

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

1. Will the proposed regulation reduce, increase or have no change in resources – funds, personnel or FTE?

There are no changes in FTEs or fund increases or decreases caused by the proposed amendments to the rule.

2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation?

No contacts have been made for rule making. The change in statute is responsible for the rule change.

3. Does the proposed regulation impact another agency? **No.** Explain the impact.

4. Will the proposed regulation reduce, increase, or have no change on reporting requirements of businesses?

No changes.

5. What is the agency's best estimate of the additional or reduced spending? If there is none, please note. If receipt of federal funds in contingent upon approval of the proposed regulation, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information.

There are no fiscal impacts from this rule.

6. Include a description of the impact that the proposed regulation will have on the number of state employees and how the agency intends to address proposed increases or decreases in FTE.

There will not be any impact on the number of state employees required to administer these regulations.

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

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

Persons who belong to organizations that are seeking a specialty license plate for the organization will be affected. The initial application requirement necessary to have DMV issue a plate will be reduced from 500 to 250. This change will make issuance of specialty plates for qualified organizations easier.

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

No. This rule is not a candidate for negotiated rulemaking. The proposed changes are not complex and the amendment reflects changes made by the Legislature.

Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulations' development, these questions have been accurately addressed.

Director's Signature Rhonda K. Lal Date 5 December 2016

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