

272 NAC Chapter 17-
Petitioning for Rulemaking

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Nebraska State Patrol will hold the following rulemaking hearings at the Nebraska State Patrol Headquarters, 1600 Nebraska Highway 2, Lincoln, Nebraska. The purpose of the proposed changes is to eliminate obsolete provisions and provisions that mirror statute(s), reduce regulatory burden, and to simplify and clarify the rules. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

The purpose of these hearings is to take testimony and evidence concerning adoption of proposed changes to the following chapters of Title 272, which will be heard on the dates and times listed below:

Monday, February 1, 2021:

9:00 a.m.: Chapter 1 Rules of Practice and Procedure for Hearings in Contested Cases before the Patrol

10:00 a.m.: Chapter 2 Administration of the Security, Privacy, and Dissemination of the Criminal History Information Act

11:00 a.m.: Chapter 3 Carrier Enforcement Division

1:00 p.m.: Chapter 4 Operations

2:00 p.m.: Chapter 13 Severability

Wednesday February 3, 2021:

9:00 a.m.: Chapter 14 Amendment or Repeal

10:00 a.m.: Chapter 15 Effective Date and Repeal of Earlier Rules

11:00 a.m.: Chapter 16 Procedures for Negotiated Rulemaking

1:00 p.m.: Chapter 17- Petitioning for Rulemaking

2:00 p.m.: Chapter 18- Regulations and Procedures Governing Agency Declaratory Orders

3:00 p.m.: Chapter 23 - Missing Persons Information Clearinghouse

Friday, February 5, 2021:

9:00 a.m.: Chapter 19 - Sexual Offender Registration

Copies of the proposed regulations and the Fiscal Impact Statements shall be available for public inspection at the Office of the Secretary of State and on their website at: <https://sos.nebraska.gov/regulations/rules-and-regulations-division>

NOTE: Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide comments. Interested persons may provide verbal comments by calling 1-888-820-1398; Participant code: 6366586#. Interested persons may provide written comments by mail or email no later than the day of the hearing to: NSP Legal Office, PO Box 94907, Lincoln, NE 68509-4907 or nsp.regulations@nebraska.gov. Any written comments will be part of the record and will be considered.

FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272 NAC	Prepared by: Jessica Forch
Chapter: 17	Date prepared: October 15, 2019
Subject: Petitioning for Rulemaking	Telephone: 402-479-3506

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	X	X	X
Increased Costs			
Decreased Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: There is no fiscal impact related to the proposed changes.

Political Subdivision: There is no fiscal impact related to the proposed changes.

Regulated Public: There is no fiscal impact related to the proposed changes.

~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 272 NEBRASKA ADMINISTRATIVE CODE, CHAPTER 17~~

~~NEBRASKA STATE PATROL~~

~~Petitioning for Rulemaking~~

NEBRASKA ADMINISTRATIVE CODE
TITLE 272-NEBRASKA STATE PATROL
Petitioning for Rulemaking

001 General information.

Application of these Model Rules. Pursuant to Neb. Laws 1994, LB 446, the Attorney General shall promulgate model rules of procedure appropriate for use by as many agencies as possible. For rules of procedure adopted on or after August 1, 1994, each agency shall adopt as many of the model rules as is practicable under the circumstances. Agencies may adopt regulations which vary from the model rules; however, any agency adopting a rule of procedure that differs from the model rule shall include in the agency's explanatory statement the reasons why the relevant portions of the Attorney General's model rules are impracticable under the circumstances.

The Nebraska State Patrol adopts the Attorney General's model rules on Petitioning for Rulemaking.

~~002 Rule Making Petition.~~

~~002.01~~ **Petition.** Any person may petition the Patrol 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 rules 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 agency rule number;

~~002.02D.~~ Describe the reason for the rules change

~~002.02E.~~ Include an address and telephone where the petitioner can be reached during regular work hours; and

~~002.02F.~~ Be signed by:

~~002.02F(1). The petitioner or his or her attorney in which case the attorney shall also state his or her address and telephone number;~~

~~002.02F(2). 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 Patrol shall:~~

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

~~003.01B. Initiate rulemaking or regulationmaking proceedings in accordance with the Administrative Procedure Act;~~

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