

NEBRASKA ADMINISTRATIVE CODE

TITLE 223 - DEPARTMENT OF LABOR

CHAPTER 3 - REGULATIONS GOVERNING PETITIONING FOR RULEMAKING

001. General information.

These rules are adopted from model rules of the Attorney General pursuant to *Neb. Rev. Stat.* §84-909.01, as practicable under the circumstances and govern the procedures of the Department of Labor for petitioning for rulemaking by the agency.

002. Rulemaking Petition.

- A. Petition. Any person may petition an agency requesting the promulgation, amendment, or repeal of a rule or regulation. The petition shall be filed with the agency at its official office. Filing may be accomplished by personal delivery or mail and will be received during regular office hours of the agency, Monday through Friday, 8:00 a.m. to 5:00 p.m., Central Time, exclusive of weekends and state or federal holidays. When a filing or submission date falls on a weekend or legal holiday, the date for such filing or submission shall be the next business day. Filings shall be directed to: Commissioner of Labor, 550 South 16th Street, P.O. Box 94600, Lincoln, NE 68509-4600.
- B. Form. The petition shall:
 - 1. Be clearly designated as a petition for a rules change;
 - 2. In the case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety;
- C. In the case of a petition for the repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number;
- D. Describe the reason for the rules change;
- E. Include an address and telephone where the petitioner can be reached during regular work hours; and
- F. Be signed by:
 - 1. The petitioner or his or her attorney in which case the attorney shall also state his or her address and telephone number;

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

003. Petition Consideration and Disposition.

- A. Within sixty (60) days after submission of a petition, the agency shall:
 1. Deny the petition in writing, stating its reasons therefor;
 2. Initiate rulemaking or regulation-making proceedings in accordance with the Administrative Procedure Act;
 3. If otherwise lawful, adopt a rule or regulation.
- B. Any action of the agency to deny a petition, initiate rulemaking or to adopt a rule or regulation 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.