

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1292

Introduced by Conrad, 46.

Read first time January 16, 2024

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend
- 2 section 84-911, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to actions for declaratory judgments; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-911, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 84-911 (1) The validity of any rule or regulation may be determined
4 upon a petition for a declaratory judgment thereon addressed to the
5 district court of Lancaster County if the petitioner has standing to file
6 the petition as described in subsection (3) of this section ~~it appears~~
7 ~~that the rule or regulation or its threatened application interferes with~~
8 ~~or impairs or threatens to interfere with or impair the legal rights or~~
9 ~~privileges of the petitioner.~~ The agency shall be made a party to the
10 proceeding. The declaratory judgment may be rendered whether or not the
11 petitioner has first requested the agency to pass upon the validity of
12 the rule or regulation in question.

13 (2) The court shall declare the rule or regulation invalid if it
14 finds that it violates constitutional provisions, exceeds the statutory
15 authority of the agency, or was adopted without compliance with the
16 statutory procedures. For purposes of this subsection, statutory
17 procedures shall not include procedures provided under the Negotiated
18 Rulemaking Act.

19 (3) The following persons have standing to file a petition for a
20 declaratory judgment under this section:

21 (a) Any Nebraska taxpayer; and

22 (b) Any person whose legal rights or privileges are interfered with
23 or impaired or who faces a threat of interference with or impairment of
24 such rights or privileges by a rule or regulation or its threatened
25 application.

26 Sec. 2. Original section 84-911, Reissue Revised Statutes of
27 Nebraska, is repealed.