

# One Hundred Eighth Legislature - Second Session - 2024

## Introducer's Statement of Intent

### LB1292

---

**Chairperson: Senator Justin Wayne**

**Committee: Judiciary**

**Date of Hearing: February 02, 2024**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB1192 makes changes to Section 84-911 of the Administrative Procedures Act (APA) and provides that a person who seeks to determine the validity of any rule or regulation may petition for a declaratory judgement in the district court of Lancaster County. In a declaratory judgement, the court may declare the rule or regulation invalid if the rule or regulation violates constitutional provisions, exceeds statutory authority of the agency, or was adopted without compliance with the APA.

In order to bring a petition pursuant to section 84-911, a plaintiff must have standing, or the legal ability to bring a claim. Legislative Bill 1292 would provide statutory standing to the following individuals: (a) any Nebraska taxpayer and (b) any person whose legal rights or privileges are interfered with or threatened by a rule or regulation.

In the case of Griffith v. Nebraska Dept. of Corr. Servs., 304 Neb. 287, 934 N.W.2d 169 (2019), the Nebraska Supreme Court interpreted section 84-911 to allow for standing only to individuals who can show an injury in fact, as a result of any challenged rule or regulation, and not necessarily for taxpayers who are funding an agency's unconstitutional or invalid regulatory acts. This bill is intended to broaden the category of persons who have standing to seek relief under section 84-911.

**Principal Introducer:** \_\_\_\_\_

**Senator Danielle Conrad**