

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 664

Introduced by Storer, 43; Andersen, 49; Conrad, 46; Murman, 38; Riepe,
12.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend
- 2 sections 84-906.02 and 84-911, Reissue Revised Statutes of Nebraska;
- 3 to require agencies to allow for public comment and submissions
- 4 relating to proposals or adoptions of rules or regulations as
- 5 prescribed; to provide for venue to challenge rules or regulations;
- 6 to repeal the original sections; and to declare an emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 84-906.02, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 84-906.02 (1) In addition to seeking information by other methods
4 and before publication of a notice under section 84-907, an agency is
5 encouraged to and may solicit comments from the public on a subject
6 matter of possible rule or regulation making by causing notice to be
7 published in a newspaper of general circulation of the subject matter and
8 indicating where, when, and how persons may comment.

9 (2) When considering the proposal or adoption of a rule or
10 regulation, an agency shall:

11 (a) Allow any person to submit comments or written materials or
12 other documentation in support or opposition to such proposal or
13 adoption;

14 (b) Allow for such submission to be accomplished electronically or
15 by mail; and

16 (c) Not require a person wishing to make such a submission to travel
17 to any particular location.

18 **Sec. 2.** Section 84-911, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 84-911 (1) The validity of any rule or regulation may be determined
21 upon a petition for a declaratory judgment ~~thereon addressed to the~~
22 ~~district court of Lancaster County~~ if it appears that the rule or
23 regulation or its threatened application interferes with or impairs or
24 threatens to interfere with or impair the legal rights or privileges of
25 the petitioner. The petition shall be filed in the district court for any
26 county in which venue is proper under subsection (3) of this section. The
27 agency shall be made a party to the proceeding. The declaratory judgment
28 may be rendered whether or not the petitioner has first requested the
29 agency to pass upon the validity of the rule or regulation in question.

30 (2)(a) (2) The court shall declare the rule or regulation invalid if
31 it finds that it violates constitutional provisions, exceeds the

1 statutory authority of the agency, or was adopted without compliance with
2 the statutory procedures.

3 (b) For purposes of this subsection, statutory procedures shall not
4 include procedures provided under the Negotiated Rulemaking Act.

5 (3) Venue for filing a petition under this section shall be proper
6 in any of the following counties in Nebraska:

7 (a) The county where the petitioner resides;

8 (b) The county where the petitioner's principal place of business is
9 located;

10 (c) Lancaster County; or

11 (d) The county in which the agency has its headquarters.

12 (4) An agency shall not take any action to restrict venue in
13 contravention of this section.

14 **Sec. 3.** Original sections 84-906.02 and 84-911, Reissue Revised
15 Statutes of Nebraska, are repealed.

16 **Sec. 4.** Since an emergency exists, this act takes effect when
17 passed and approved according to law.