

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 925**

Introduced by Chambers, 11.

Read first time January 10, 2020

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;

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; and

26 (c) Any other person on behalf of a person described in subdivision  
27 (3)(b) of this section.

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29 Nebraska, is repealed.