

One Hundred Sixth Legislature - Second Session - 2020

Introducer's Statement of Intent

LB925

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: January 24, 2020

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

Section 84-911 provides that a person who seeks to determine the validity of any rule or regulation may petition for a declaratory judgment in the district court of Lancaster County. In a declaratory judgment, 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 Administrative Procedure Act.

In order to bring a petition pursuant to section 84-911, a person must have standing, or the legal ability to bring a claim. LB 925 would provide statutory standing to the following individuals: (a) any Nebraska taxpayer, (b) any person whose legal rights or privileges are interfered with or threatened by a rule or regulation, (c) any person acting on behalf of a person whose legal rights or privileges are interfered with or impaired.

In the case of Griffith & Chambers v. DCS, 304 Neb. 287 (2019), the Nebraska Supreme Court interpreted section 84-911 as providing standing only to individuals who can show a concrete injury in fact, as a result of any challenged rule or regulation.

This bill is intended to "correct" this decision and broaden the category of persons who have standing to seek relief under section 84-911.

Principal Introducer: _____

Senator Ernie Chambers