

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 41

Introduced by Hansen, B., 16.

Read first time January 05, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend
2 section 84-920, Revised Statutes Cumulative Supplement, 2022; to
3 prohibit state agencies from imposing annual filing and reporting
4 requirements on charitable organizations as prescribed; to state
5 intent; to define a term; to harmonize provisions; and to repeal the
6 original section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature finds that this section is necessary
2 to minimize burdens on the charitable sector and encourage a grantmaking
3 environment that is free and independent from intrusive or politically
4 motivated regulation.

5 (2) For purposes of this section:

6 (a) Agency means each board, commission, department, officer,
7 division, or other administrative office or unit of the state government
8 authorized by law to make rules and regulations, except the Adjutant
9 General's office as provided in Chapter 55, the Legislature, the courts,
10 including the Nebraska Workers' Compensation Court, and the Commission of
11 Industrial Relations; and

12 (b) Agency includes the Secretary of State and the Attorney General.

13 (3) Absent the showing of a compelling state interest, an agency
14 shall not require any annual filing or reporting by a charitable
15 organization, whether regulated or specifically exempted from regulation,
16 that is more burdensome than any requirements authorized by state law.
17 Any such filing or reporting requirement shall be narrowly tailored to
18 achieve such compelling state interest.

19 (4) This section shall not be construed to limit or restrict the
20 powers, duties, remedies, or penalties available to the Attorney General
21 or Secretary of State under statute or common law, including, but not
22 limited to, issuance of a civil investigative demand or subpoena.

23 Sec. 2. Section 84-920, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 84-920 Sections 84-901 to 84-920 and section 1 of this act and the
26 Occupational Board Reform Act shall be known and may be cited as the
27 Administrative Procedure Act.

28 Sec. 3. Original section 84-920, Revised Statutes Cumulative
29 Supplement, 2022, is repealed.