

LEGISLATIVE BILL 972

Approved by the Governor March 25, 1996

Introduced by Hilgert, 7; Abboud, 12

AN ACT relating to charitable gifts; to adopt the Charitable Gift Annuity Act; to eliminate provisions on solicitation of funds; to eliminate a penalty; to outright repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 3 of this act shall be known and may be cited as the Charitable Gift Annuity Act.

Sec. 2. For purposes of the Charitable Gift Annuity Act:

(1) Charitable gift annuity means a charitable gift annuity described by section 501(m)(5) and section 514(c)(5) of the Internal Revenue Code that is issued prior to, on, or after the effective date of this act by a charitable organization that, on the date of the annuity agreement, has been in continuous operation for at least three years or is the successor or affiliate of a charitable organization that has been in continuous operation for at least three years; and

(2) Charitable organization means any entity described in section 170(c) or section 501(c)(3) of the Internal Revenue Code.

Sec. 3. Issuance of a charitable gift annuity does not constitute:

(1) Engaging in business as a trust company subject to sections 8-201 to 8-233;

(2) Engaging in the business of insurance subject to Chapter 44;

(3) Engaging in an act in violation of sections 59-801 to 59-831; or

(4) Engaging in an act in violation of the Uniform Deceptive Trade Practices Act. Conduct other than issuance of a charitable gift annuity, including the marketing of a charitable gift annuity, is not exempt from application of the Uniform Deceptive Trade Practices Act pursuant to this subdivision.

Sec. 4. The following sections are outright repealed: Sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.