

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 823

Introduced by Hansen, B., 16.

Read first time January 06, 2022

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, 2020; 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, and the
10 courts, including the Nebraska Workers' Compensation Court, the
11 Commission of Industrial Relations; and

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

13 (3) Notwithstanding any provision of law, absent the showing of a
14 compelling state interest, an agency shall not impose any annual filing
15 or reporting requirements on a charitable organization, whether regulated
16 or specifically exempted from regulation, that are more burdensome than
17 the requirements authorized by state law, and any such filing or
18 reporting requirements shall be narrowly tailored to achieve such
19 compelling state interest.

20 (4) This section shall not be construed to limit or restrict the
21 powers, duties, remedies, or penalties available to the Attorney General
22 or Secretary of State under statute or common law.

23 Sec. 2. Section 84-920, Revised Statutes Cumulative Supplement,
24 2020, 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29 Supplement, 2020, is repealed.