

LEGISLATIVE BILL 1021

Approved by the Governor April 13, 2000

Introduced by Chambers, 11; Bromm, 23

AN ACT relating to political accountability and disclosure; to amend sections 49-1403, 49-1423, 49-1483, 49-1490, and 49-1496, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1999; to define and redefine terms; to change provisions relating to filings required by lobbyists and principals, gifts from lobbyists and principals, and statements of financial interests; to require reporting of certain gifts; to provide penalties; to provide for rules and regulations; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Section 1. Section 49-1401, Revised Statutes Supplement, 1999, is amended to read:

49-1401. Sections 49-1401 to 49-14,141 and sections 4, 7, and 9 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 2. Section 49-1403, Reissue Revised Statutes of Nebraska, is amended to read:

49-1403. For purposes of the Nebraska Political Accountability and Disclosure Act, unless the context otherwise requires, the definitions found in sections 49-1404 to 49-1444 and section 4 of this act shall be used.

Sec. 3. Section 49-1423, Reissue Revised Statutes of Nebraska, is amended to read:

49-1423. ~~With the exception of sections 49-1480 to 49-1492, gift as used in sections 49-1401 to 49-14,138~~ Gift shall mean a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is given therefor. Gift shall not include a campaign contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, ~~or a gift received from a member of the individual's immediate family or from a relative, a breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption, or the occasional provision of transportation within the State of Nebraska.~~

Sec. 4. Relative shall mean any person related to another by blood or marriage to the third degree of consanguinity, including a foster parent, foster child, stepparent, stepchild, and adopted children and their adoptive parents.

Sec. 5. Section 49-1483, Reissue Revised Statutes of Nebraska, is amended to read:

49-1483. (1) Every registered lobbyist for each of his or her principals, and every principal employing a registered lobbyist, shall file a separate statement for each calendar quarter with the Clerk of the Legislature within fifteen days after the end of each calendar quarter.

Each statement shall show the following:

(a) The total amount received or expended directly or indirectly for the purpose of carrying on lobbying activities, with the following categories of expenses each being separately itemized: (i) Miscellaneous expenses; (ii) entertainment, including expenses for food and drink as provided in subdivision (2)(b) of this section; (iii) lodging expenses; (iv) travel expenses; ~~and (v) lobbyist fees for lobbyist services~~ (v) lobbyist compensation, except that when a principal retains the services of a person who has only part-time lobbying duties, only the compensation paid which is reasonably attributable to influencing legislative action need be reported; ~~and (vi) lobbyist expense reimbursement; (vii) admissions to a state-owned facility or a state-sponsored industry or event as provided in subdivision (2)(b) of this section; and (viii) office expenses, if reported;~~

(b) A detailed statement of any money which is loaned, promised, or paid by a lobbyist, a principal, or anyone acting on behalf of either to an official in the executive or legislative branch or member of such official's staff. The detailed statement shall identify the recipient and the amount and the terms of the loan, promise, or payment; and

(c) The total amount expended for gifts, other than admissions to a

state-owned facility or a state-sponsored industry or event, as provided in subdivision (2)(b) of this section.

(2)(a) The statement is not required to include office expenses.

(b) For purposes of entertainment expenses reported under subdivision (1)(a)(ii) of this section, admissions reported under subdivision (1)(a)(vii) of this section, and gifts reported under subdivision (1)(c) of this section, the statement shall disclose the aggregate expenses for such entertainment, admissions, and gifts for each of the following categories of elected officials: Members of the Legislature; and officials in the executive branch of the state. For purposes of this subdivision, entertainment expenses shall be limited to the average cost attributable to an official if an entertainment expense is for an event to which persons other than such officials are invited.

(c) The lobbyist shall also file any changes or corrections to the information set forth in the registration required pursuant to section 49-1480 so as to reflect the correctness of such information as of the end of each calendar quarter for which such statement is required by this section.

(3) If a lobbyist does not expect to receive lobbying receipts from or does not expect to make lobbying expenditures for a principal, the quarterly statements required by this section as to such principal need not be filed by the lobbyist if the principal and lobbyist both certify such facts in writing to the Clerk of the Legislature. A lobbyist exempt from filing quarterly statements pursuant to this section shall (a) file a statement of activity pursuant to section 49-1488 and (b) resume or commence filing quarterly statements with regard to such principal starting with the quarterly period the lobbyist receives lobbying receipts or makes lobbying expenditures for such principal.

(4) If a principal does not expect to receive lobbying receipts or does not expect to make lobbying expenditures, the quarterly statements required pursuant to this section need not be filed by the principal if the principal and lobbyist both certify such facts in writing to the Clerk of the Legislature. A principal exempt from filing quarterly statements pursuant to this section shall commence or resume filing quarterly statements starting with the quarterly period the principal receives lobbying receipts or makes lobbying expenditures.

(5) For purposes of ~~this section~~ sections 49-1480 to 49-1492 and section 7 of this act, calendar quarter shall mean the first day of January through the thirty-first day of March, the first day of April through the thirtieth day of June, the first day of July through the thirtieth day of September, and the first day of October through the thirty-first day of December.

Sec. 6. Section 49-1490, Reissue Revised Statutes of Nebraska, is amended to read:

49-1490. (1) No principal, lobbyist, or person acting on behalf of either shall within one calendar month give any gifts with an aggregate value of more than fifty dollars to the following:

(a) An official or a member of the official's staff in the executive branch of state government;

(b) An official or a member of the official's staff in the legislative branch of state government; or

(c) A member of the immediate family of an official in the executive or legislative branch of state government.

(2) No official or member of the official's staff in the executive or legislative branch of state government or member of the official's immediate family shall within one calendar month accept from a principal, lobbyist, or person acting on behalf of either any gifts with an aggregate value of more than fifty dollars.

(3) An admission to a state-owned facility or a state-sponsored industry or event may be given by any sponsoring agency, political subdivision, or publicly funded postsecondary educational institution and accepted regardless of value.

(4) Any person who knowingly and intentionally violates this section shall be guilty of a Class III misdemeanor. ~~(1) A principal, lobbyist, or anyone acting on behalf of either shall not give a gift to any official or member of any official's staff in the executive or legislative branch of state government or any member of an official's immediate family. Any person who knowingly gives a gift in violation of this subsection shall be guilty of a Class III misdemeanor.~~

~~(2) An official or any other person on his or her behalf in the legislative or executive branch of state government or a member of such official's staff or immediate family shall not solicit or accept a gift in violation of subsection (1) of this section. Any person who knowingly~~

solicits or accepts a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

~~(3) As used in sections 49-1480 to 49-1492, gift shall mean a payment, subscription, advance, forbearance, or honorarium or the rendering or deposit of money, services, or anything of value, the value of which exceeds fifty dollars in any one-month period, unless consideration of equal or greater value is received therefor. Gift shall not include:~~

~~(a) A campaign contribution otherwise reported as required by law;~~

~~(b) A commercially reasonable loan made in the ordinary course of business;~~

~~(c) A gift received from a member of the person's immediate family, a relative, or the spouse of any such relative;~~

~~(d) A breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption;~~

~~(e) Admissions to state-regulated industries, facilities, or events;~~
or

~~(f) The occasional provision of transportation within the State of Nebraska to an officeholder.~~

Sec. 7. (1) Any agency, political subdivision, or publicly funded postsecondary educational institution which gives a gift of an admission to a state-owned facility or a state-sponsored industry or event to a public official, a member of a public official's staff, or a member of the immediate family of a public official shall report the gift on a form prescribed by the commission.

(2) The report shall be filed with the Clerk of the Legislature within fifteen days after the end of the calendar quarter in which the gift is given. The report shall include the following:

(a) The identity of the agency, political subdivision, or publicly funded postsecondary educational institution;

(b) A description of the gift;

(c) The value of the gift; and

(d) The name of the recipient of the gift and the following:

(i) If the recipient is an official in the executive or legislative branch of state government, the office held by the official and the branch he or she serves;

(ii) If the recipient is a member of an official's staff in the executive or legislative branch of state government, his or her job title and the name of the official; or

(iii) If the recipient is a member of the immediate family of an official in the executive or legislative branch of state government, his or her relationship to the official and the name of the official.

(3) For purposes of this section, public official does not include an elected or appointed official of a political subdivision or school board.

(4) Any person who knowingly and intentionally violates this section shall be guilty of a Class III misdemeanor.

Sec. 8. Section 49-1496, Reissue Revised Statutes of Nebraska, is amended to read:

49-1496. (1) The statement of financial interests filed pursuant to sections 49-1493 to 49-14,104 shall be on a form prescribed by the commission.

(2) Individuals required to file under sections 49-1493 to 49-1495 shall file the following information for themselves:

(a) The name and address of and the nature of association with any business with which the individual was associated and any entity in which a position of trustee was held during the preceding year;

(b) The name, address, and nature of business of a person, including a government, political subdivision, or body corporate, from whom any income in the value of one thousand dollars or more was received during the preceding year and the nature of the services rendered. If income results from employment by, operation of, or participation in a proprietorship, partnership, limited liability company, professional corporation or business or nonprofit corporation, or other person, the person may list the proprietorship, partnership, limited liability company, professional corporation or business or nonprofit corporation, or other person as the source and not the patrons, customers, patients, or clients of the proprietorship, partnership, limited liability company, professional corporation or business or nonprofit corporation, or other person;

(c) A description, but not the value, of the following, if the fair market value thereof exceeded one thousand dollars: The nature and location of all real property in the state, except the residence of the individual; the depository of checking accounts and savings accounts; the issuer of stocks, bonds, and government securities; and a description of all other property owned or held for the production of income, except property owned or used by a

business with which the individual was associated;

(d) The name and address of each creditor to whom the value of one thousand dollars or more was owed or guaranteed by the filer or a member of the filer's immediate family. Accounts payable, debts arising out of retail installment transactions or from loans made by financial institutions in the ordinary course of business, loans from a relative, and land contracts that have been properly recorded with the county clerk or the register of deeds need not be included;

(e) The name, address, and occupation or nature of business of any person from whom a gift in the value of more than one hundred dollars was received, a description of the gift, the monetary value category of the gift, and the circumstances of each the gift. For purposes of this subdivision, the monetary value of gifts shall be categorized based on a good faith estimate by the individual required to report as follows: Category (i): \$100.01 - \$200; category (ii): \$200.01 - \$500; category (iii): \$500.01 - \$1,000; and category (iv): \$1,000.01 or more; - The definition of gift is as set forth in section 49-1423, and

(f) Such other information as the person required to file the statement or the commission deems necessary, after notice and hearing, to carry out the purposes of the Nebraska Political Accountability and Disclosure Act.

Sec. 9. The commission shall adopt and promulgate rules and regulations prior to January 1, 2001, to carry out the changes made by this legislative bill.

Sec. 10. Sections 9 and 10 of this act become operative on their effective date. The other sections of this act become operative on January 1, 2001.

Sec. 11. Original sections 49-1403, 49-1423, 49-1483, 49-1490, and 49-1496, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1999, are repealed.