

LEGISLATIVE BILL 534

Approved by the Governor February 1, 1990

Introduced by Withem, 14; Barrett, 39

AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,105, 49-14,107, 49-14,108, 49-14,110, 49-14,112, 49-14,114, and 49-14,118, Reissue Revised Statutes of Nebraska, 1943, and section 49-1495, Revised Statutes Supplement, 1989; to change a provision relating to the filing of financial interest statements by appointed officeholders and appointed commission members as prescribed; to change provisions relating to the appointment of members of the Nebraska Accountability and Disclosure Commission; to prohibit commission members from engaging in certain activities regulated by the commission; to require the withdrawal from certain activities and the resignation from certain offices by appointed commission members; to change the number of members required for a quorum of and action by the commission; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 49-1495, Revised Statutes Supplement, 1989, be amended to read as follows:

49-1495. (1) An individual appointed to an office specified in section 49-1493 shall, before assuming duties, file a statement for the preceding calendar year with the commission. When and, when confirmation is required, with the official or body that is vested with the power of confirmation within fifteen days after the nomination or at least ten days before the official or body will approve or reject the nomination, whichever is sooner the individual shall file a statement for the preceding calendar year with the commission prior to the confirmation hearing or prior to assuming his or her duties, whichever comes first.

(2) An individual designated in section 49-1493 shall, within five days, file with the election commissioner of the county in which the individual

resides; a copy of any statement that individual files with the commission. If the county has no election commissioner, the individual shall file the copy of the statement with the clerk of the county in which the individual resides. The commission, election commissioners, and clerks of the counties shall make the statements available for public inspection during regular office hours and shall make copying facilities available at a cost of not to exceed fifty cents per page.

Sec. 2. That section 49-14,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,105. There is hereby established the Nebraska Accountability and Disclosure Commission. The commission shall be composed of nine members, including the Secretary of State. ~~The appointed members serving on the commission on May 18, 1979, shall serve the remainder of their terms and two additional members shall be appointed pursuant to sections 49-14,105, 49-14,106, and 49-14,109 to 49-14,112.~~ The eight appointed members shall be appointed, subject to the provisions of ~~subsection (2) of~~ section 49-14,110, as follows:

(1) Four members shall be appointed by the Governor in the following manner:

(a) One member from each of two lists submitted by the Legislature. Each list shall contain at least ~~three~~ five individuals ~~who are qualified to serve pursuant to section 49-14,106 and subsection (2) of section 49-14,111;~~ and

(b) Two members from the citizenry of the state at large; and

(2) Four members shall be appointed by the Secretary of State in the following manner:

(a) One member from a list of at least ~~three~~ five individuals ~~who are qualified to serve pursuant to section 49-14,106 and subsection (2) of section 49-14,111~~ submitted by the Democrat state chairperson;

(b) One member from a list of at least ~~three~~ five individuals ~~who are qualified to serve pursuant to section 49-14,106 and subsection (2) of section 49-14,111~~ submitted by the Republican state chairperson; and

(c) Two members from the citizenry of the state at large.

Sec. 3. That section 49-14,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,107. If a political party other than a legally recognized party shall receive at least five percent of the entire vote of the state at a general election, the membership of the commission shall be increased by one. The additional member shall be appointed by the Governor from a list of at least three five individuals who are qualified to serve pursuant to section 49-14,106 and subsection (2) of section 49-14,111 submitted by the state chairperson of the political party receiving such five percent vote and shall be subject to confirmation by the Legislature in the same manner as the other appointed commissioners are selected and confirmed. If two or more of the individuals whose names appear on such list submitted to the Governor are unwilling to withdraw from activities or resign from positions as required by section 49-14,114, the Governor shall follow the procedure prescribed in section 49-14,112. Should any political party fail to poll at least five percent of the entire vote of the state at a general election, the position of that party shall be terminated, except that any person serving as a member may serve to the end of that person's term.

Sec. 4. That section 49-14,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,108. Each person appointed to the commission by the Governor or the Secretary of State shall file with the commission and with the legislature's Committee on Committees a statement of financial interests, pursuant to sections 49-1493 to 49-14,104, prior to assuming his or her duties or prior to the legislative confirmation hearing, whichever occurs first, within ten days of the submission of the person's appointment to the legislature; or that person's name shall be deemed withdrawn from consideration-

Sec. 5. That section 49-14,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,110. (1) The lists of persons nominated for appointments to the commission shall be submitted to the Governor and Secretary of State not later than February 15, 1977. An individual may not appear upon both of the initial lists submitted by the legislature. The Governor and Secretary of State shall submit their appointments to the legislature not later than March 15, 1977. If the Governor and Secretary of State do not receive the lists within the prescribed period, they

shall make appointments of their own choosing; subject only to the restrictions as to qualifications of members under section 49-14,105-

{2} All appointments whether initial or subsequent shall be subject to the approval of a majority of the members of the Legislature, if the Legislature is in session. If the Legislature is not in session, any appointment shall be temporary until the next session of the Legislature, at which time a majority of the members of the Legislature may approve or disapprove such appointment.

Sec. 6. That section 49-14,112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,112. (1) When a vacancy occurs by expiration of a term of office or otherwise, which vacancy is subject to an appointment from a list pursuant to the provisions of section 49-14,105, such list shall be submitted to the Governor or the Secretary of State not later than thirty days after such vacancy occurs. If the appointment is subject to a list pursuant to subdivision (1)(a) of section 49-14,105, and the Legislature is not in session, such list may be submitted by the Executive Board of the Legislative Council. The Governor or Secretary of State shall submit his or her appointment to the Legislature, subject to the provisions of subsection {2} of section 49-14,110, not later than thirty days following the receipt of any such list. The Governor or the Secretary of State shall make his or her appointment within thirty days of receiving the list provided for in section 49-14,105 unless two or more of the individuals whose names appear on the list are unwilling to withdraw from activities or resign from positions as required by section 49-14,114. If such individuals are unwilling to so withdraw or resign, the Governor or the Secretary of State shall notify the provider of the list. Within thirty days after such notification is received, a new list of names of at least five individuals shall be submitted to the Governor or Secretary of State. Such new list shall not include the individuals included in the initial list who were unwilling to withdraw from activities or resign from positions as required by section 49-14,114. The Governor or Secretary of State shall appoint an individual from the new list within thirty days of receipt unless two or more of the individuals whose names appear on the second list are unwilling to withdraw from activities or resign from positions as required by section 49-14,114. In such

event, the Governor or Secretary of State shall appoint an individual of his or her own choosing within thirty days after the receipt of the new list. If the Governor or Secretary of State does not receive such the initial list within thirty days of a any such vacancy, the Governor or Secretary of State may make an appointment of his or her own choosing. If the Governor or Secretary of State does not receive the second list within thirty days after notification to the provider of the list, the Governor or Secretary of State may make an appointment of his or her own choosing. All appointments of the Governor or Secretary of State shall be subject to the provisions of sections 49-14,106 and 49-14,110 and subsection (2) of section 49-14,111. 7 subject to the provisions of subsection {2} of section 49-14,110-

(2) No individual appointed to the commission shall serve more than one full six-year term on the commission.

Sec. 7. That section 49-14,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,114. {1} No appointed individual, while a member of the commission, shall {1} accept appointment to any other political or public office; {2} hold or campaign for any other political or public office; or {3} hold office in any political party or political committee; engage in any activity or hold any position or office which is regulated by the commission as follows: (a) Lobbying; (b) being a public official, a public employee, or a state elective official; (c) campaigning for the election or appointment of himself or herself to an elective public office; or (d) holding an office in any political party or political committee.

{2} An appointed individual shall withdraw from any activity and resign from any position or office regulated by the commission prior to beginning his or her term on the commission.

{3} Nothing in this section shall be construed to limit an appointed individual's right to vote in any election or to limit his or her right to make contributions.

Sec. 8. That section 49-14,118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,118. Four Five members of the commission shall constitute a quorum and the concurrence of four five members of the commission shall be required for any action or recommendation of the commission;

except that the concurrence of five members shall be required before or any sanction which may be imposed pursuant to section 49-14,126.

Sec. 9. That original sections 49-14,105, 49-14,107, 49-14,108, 49-14,110, 49-14,112, 49-14,114, and 49-14,118, Reissue Revised Statutes of Nebraska, 1943, and section 49-1495, Revised Statutes Supplement, 1989, are repealed.