

LEGISLATIVE BILL 1086

Approved by the Governor April 19, 2002

Introduced by Chambers, 11

AN ACT relating to public accountability and disclosure; to amend section 49-1446.01, Reissue Revised Statutes of Nebraska, and sections 32-1603 and 49-14,101.01, Revised Statutes Supplement, 2001; to prohibit the use of state funds for certain advertising or promotional materials; to provide for expenditure of campaign funds for travel expenses as prescribed; to prohibit the acceptance of certain gifts by public officials and their immediate family members; to harmonize provisions; and to repeal the original sections.

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

Section 1. Beginning January 1 of the year in which the Governor is elected and continuing through the day of the general election during such year, no state funds shall be used for any radio, television, or print media advertising or promotional materials which refer to any one or more of the following state officeholders by name: Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, or Auditor of Public Accounts.

Sec. 2. Section 32-1603, Revised Statutes Supplement, 2001, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Covered elective office means (a) the Legislature in any election period and (b) the Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Public Service Commission, the Board of Regents of the University of Nebraska, and the State Board of Education if designated as covered for a given election period pursuant to section 32-1611;

(2) Election period means (a) the period beginning January 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for covered elective offices listed in subdivision (1)(a) of this section and (b) the period beginning July 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for covered elective offices listed in subdivision (1)(b) of this section;

(3) Expenditure means the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries;

(4) General election period means the period beginning with the day following the end of the primary election period through the end of the election period;

(5) Primary election period means the period beginning with the first day of the election period through the thirty-fifth day following the primary election; and

(6) Unrestricted spending means expenditures or transfers of funds authorized under subdivision (1)(f), ~~or (h)~~, or (i) of section 49-1446.01.

Sec. 3. Section 49-1446.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1446.01. No committee, other than a political party committee, may expend or transfer funds except to make an expenditure, as defined in subsection (1), (2), or (3) of section 49-1419, or as provided in this section. Any committee, including a political party committee, may:

(1) Make expenditures or transfer funds after any election for: (a) The necessary continued operation of the campaign office or offices of the candidate or political committee; (b) social events primarily for the benefit of campaign workers and volunteers or constituents; (c) obtaining public input and opinion; (d) repayment of campaign loans incurred prior to election day; (e) newsletters and other communications of information, thanks, acknowledgment, or greetings, or for the purpose of political organization and planning; (f) gifts of acknowledgment, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars in any one calendar year; (g) meals, lodging, and travel by an

officeholder related to his or her candidacy and for members of the immediate family of the officeholder when involved in activities related to his or her candidacy; ~~and (h) conference fees, meals, lodging, and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her public office; and (i) in the case of the candidate committee for the Governor, conference fees, meals, lodging, and travel by the Governor, his or her staff, and his or her immediate family, when involved in activities related to the duties of the Governor;~~

(2) Make expenditures or transfer funds for the payment of installation and use of telephone and telefax machines located in an officeholder's public office and used by such officeholder; and

(3) Invest funds in investments authorized in the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act for the state investment officer.

Nothing in this section shall prohibit a separate segregated political fund from disbursing funds as provided in section 49-1469.

Sec. 4. Section 49-14,101.01, Revised Statutes Supplement, 2001, is amended to read:

49-14,101.01. (1) A public official or public employee shall not use or authorize the use of, for personal financial gain, financial gain of a member of his or her immediate family, or financial gain of a business with which he or she is associated, other than compensation provided by law, (a) that person's public office or any confidential information received through the holding of a public office or (b) personnel, resources, property, or funds under that person's official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures.

(2) A public official shall not accept a gift of travel or lodging or a gift of reimbursement for travel or lodging if the gift is made so that a member of the public official's immediate family can accompany the public official in the performance of his or her official duties.

(3) A member of the immediate family of a public official shall not accept a gift of travel or lodging or a gift of reimbursement for travel or lodging if the gift is made so that a member of the public official's immediate family can accompany the public official in the performance of his or her official duties.

(4) This section does not prohibit the Executive Board of the Legislative Council from adopting policies that allow a member of the Legislature to install and use with private funds a telephone line, telephone, and telefax machine in his or her public office for private purposes.

~~(3)~~ (5) Except as provided in section 23-3113, any person violating this section shall be guilty of a Class III misdemeanor, except that no vote by any member of the Legislature shall subject such member to any criminal sanction under this section.

Sec. 5. Original section 49-1446.01, Reissue Revised Statutes of Nebraska, and sections 32-1603 and 49-14,101.01, Revised Statutes Supplement, 2001, are repealed.