

E & R AMENDMENTS TO LB 1086

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

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

10 Sec. 2. Section 32-1603, Revised Statutes Supplement,
11 2001, is amended to read:

12 32-1603. For purposes of the Campaign Finance Limitation
13 Act, the definitions found in sections 49-1404 to 49-1444 shall be
14 used, except that:

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

22 (2) Election period means (a) the period beginning
23 January 1 of the calendar year prior to the year of the election in
24 which the candidate is seeking office through the end of the

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

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

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

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

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

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

24 49-1446.01. No committee, other than a political party
25 committee, may expend or transfer funds except to make an
26 expenditure, as defined in subsection (1), (2), or (3) of section
27 49-1419, or as provided in this section. Any committee, including

1 a political party committee, may:

2 (1) Make expenditures or transfer funds after any
3 election for: (a) The necessary continued operation of the campaign
4 office or offices of the candidate or political committee; (b)
5 social events primarily for the benefit of campaign workers and
6 volunteers or constituents; (c) obtaining public input and opinion;
7 (d) repayment of campaign loans incurred prior to election day; (e)
8 newsletters and other communications of information, thanks,
9 acknowledgment, or greetings, or for the purpose of political
10 organization and planning; (f) gifts of acknowledgment, including
11 flowers and charitable contributions, except that gifts to any one
12 natural person shall not exceed fifty dollars in any one calendar
13 year; (g) meals, lodging, and travel by an officeholder related to
14 his or her candidacy and for members of the immediate family of the
15 officeholder when involved in activities related to his or her
16 candidacy; ~~and~~ (h) conference fees, meals, lodging, and travel by
17 an officeholder and his or her staff when involved in activities
18 related to the duties of his or her public office; and (i) in the
19 case of the candidate committee for the Governor, conference fees,
20 meals, lodging, and travel by the Governor, his or her staff, and
21 his or her immediate family, when involved in activities related to
22 the duties of the Governor;

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

27 (3) Invest funds in investments authorized in the

1 Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act for the state investment officer.

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

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

8 49-14,101.01. (1) A public official or public employee
9 shall not use or authorize the use of, for personal financial gain,
10 financial gain of a member of his or her immediate family, or
11 financial gain of a business with which he or she is associated,
12 other than compensation provided by law, (a) that person's public
13 office or any confidential information received through the holding
14 of a public office or (b) personnel, resources, property, or funds
15 under that person's official care and control other than in
16 accordance with prescribed constitutional, statutory, and
17 regulatory procedures.

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

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

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

6 ~~(3)~~ (5) Except as provided in section 23-3113, any person
7 violating this section shall be guilty of a Class III misdemeanor,
8 except that no vote by any member of the Legislature shall subject
9 such member to any criminal sanction under this section.

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

13 2. On page 1, strike lines 2 through 5 and insert "amend
14 section 49-1446.01, Reissue Revised Statutes of Nebraska, and
15 sections 32-1603 and 49-14,101.01, Revised Statutes Supplement,
16 2001; to prohibit the use of state funds for certain advertising or
17 promotional materials; to provide for expenditure of campaign funds
18 for travel expenses as prescribed; to prohibit the acceptance of
19 certain gifts by public officials and their immediate family
20 members; to harmonize provisions; and to repeal the original
21 sections."