

AMENDMENTS TO LB1045

(Amendments to Standing Committee amendments, AM2081)

Introduced by Morfeld, 46.

1 1. Strike section 2 and insert the following new section:

2 Section 1. Section 49-14,101.02, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 49-14,101.02 (1) For purposes of this section, public resources
5 means personnel, property, resources, or funds under the official care
6 and control of (a) a public official or public employee or (b) a member
7 of a board of directors or an employee of a corporation organized under
8 the Electric Cooperative Corporation Act.

9 (2) Except as otherwise provided in this section, a public official
10 or public employee or a person described in subdivision (1)(b) of this
11 section shall not use or authorize the use of public resources for the
12 purpose of campaigning for or against the nomination or election of a
13 candidate or the qualification, passage, or defeat of a ballot question.

14 (3) This section does not prohibit a public official or public
15 employee from making government facilities available to a person for
16 campaign purposes if the identity of the candidate or the support for or
17 opposition to the ballot question is not a factor in making the
18 government facility available or a factor in determining the cost or
19 conditions of use.

20 (4) This section does not prohibit a governing body from discussing
21 and voting upon a resolution supporting or opposing a ballot question or
22 a public corporation organized under Chapter 70 from otherwise supporting
23 or opposing a ballot question concerning the sale or purchase of its
24 assets.

25 (5) This section does not prohibit a public official or a public
26 employee under the direct supervision of a public official from

1 responding to specific inquiries by the press or the public as to his or
2 her opinion regarding a ballot question or from providing information in
3 response to a request for information.

4 (6) This section does not prohibit a member of the Legislature from
5 making use of public resources in expressing his or her opinion regarding
6 a candidate or a ballot question or from communicating that opinion. A
7 member is not authorized by this section to utilize mass mailings or
8 other mass communications at public expense for the purpose of
9 campaigning for or against the nomination or election of a candidate. A
10 member is not authorized by this section to utilize mass mailings at
11 public expense for the purpose of qualifying, supporting, or opposing a
12 ballot question.

13 (7) This subsection applies to public officials other than members
14 of the Legislature provided for in subsection (6) of this section. This
15 section does not prohibit, in the normal course of his or her duties, a
16 public official or a public employee under the direct supervision of a
17 public official from using public resources to research and prepare
18 materials to assist the government body for which the individual is a
19 public official or public employee in determining the effect of the
20 ballot question on the government body. This section does not authorize
21 mass mailings, mass duplication, or other mass communications at public
22 expense for the purpose of qualifying, supporting, or opposing a ballot
23 question. Mass communications shall not include placing public records
24 demonstrating the consequences of the passage or defeat of a ballot
25 question affecting the government body for which the individual is a
26 public official or public employee on existing websites of such
27 government body.

28 (8) Nothing in this section prohibits a public official or a
29 director described in subdivision (1)(b) of this section from campaigning
30 for or against the qualification, passage, or defeat of a ballot question
31 or the nomination or election of a candidate when no public resources are

1 used.

2 (9) Nothing in this section prohibits a public employee or an
3 employee described in subdivision (1)(b) of this section from campaigning
4 for or against the qualification, passage, or defeat of a ballot question
5 or the nomination or election of a candidate when no public resources are
6 used. Except as otherwise provided in this section, a public employee
7 shall not engage in campaign activity for or against the qualification,
8 passage, or defeat of a ballot question or the nomination or election of
9 a candidate while on government work time or when otherwise engaged in
10 his or her official duties.

11 (10) This section does not prohibit an employee of the Legislature
12 from using public resources consistent with this section for the purpose
13 of researching or campaigning for or against the qualification, passage,
14 or defeat of a ballot question if the employee is under the direction and
15 supervision of a member of the Legislature.

16 (11) Nothing in this section prohibits a public official or public
17 employee from identifying himself or herself by his or her official
18 title.

19 2. Renumber the remaining sections and correct the repealer
20 accordingly.