

LEGISLATIVE BILL 479

Approved by the Governor May 16, 1983

Introduced by Warner, 25; Kilgaria, 7; Wagner, 41;
Goodrich, 20; L. Johnson, 15; Kahle, 37;
Marsh, 29; Morehead, 30; H. Peterson, 35;

AN ACT relating to political accountability and disclosure; to amend sections 49-1470, 49-1494, and 81-198, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1483, 49-14,121, and 49-14,123, Revised Statutes Supplement, 1982; to change the powers and duties of the Nebraska Accountability and Disclosure Commission; to change certain fees; to change provisions relating to the retention of documents; to change provisions relating to required statements; to eliminate an exemption for commission employees; to provide for creation and distribution of certain forms; to provide for the continuation of the Nebraska Accountability and Disclosure Commission; to repeal the original sections; and to declare an emergency.

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

Section. 1. That section 49-1470, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1470. (1) Campaign statements shall be open for public inspection and reproduction, commencing as soon as practicable, but not later than the fifth business day following the day on which they were received, during regular business hours.

(2) Copies of statements or parts of statements shall be provided by the officials with whom they are filed at a cost of not to exceed ~~twenty-five cents~~ fifty cents per page.

(3) Campaign statements shall be preserved for a period of five years not less than eighteen months by the officials other than the commission with whom they are filed, and not less than five years by the commission.

(4) No fee or charge shall be collected by any

official for the filing of any campaign statement, or for the forms upon which statements are to be prepared, except as otherwise provided by law.

Sec. 2. That section 49-1483, Revised Statutes Supplement, 1982, be amended to read as follows:

49-1483. Every registered lobbyist for each of his or her principals, and every principal employing a registered lobbyist, shall file a separate statement for each month the Legislature is in session on one or more days, and shall file a separate statement once during each interim period between regular sessions of the Legislature. If neither a principal or lobbyist makes any expenditures in connection with a special session of the Legislature, a monthly report for such special session shall not be required. All such statements shall be filed with the Clerk of the Legislature within fifteen days after the end of the month or interim period for which the statement is required. Each statement shall show the following:

(1) 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: (a) Miscellaneous expenses, (b) entertainment, including expenses for food and drink, (c) lodging expenses, (d) travel expenses, and (e) lobbyist fees for lobbyist services, 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

(2) A detailed statement of any money loaned, promised, or paid by a lobbyist to any legislator or to anyone on his or her behalf.

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 the month or other period for which such statement is required by this section.

Sec. 3. That section 49-1494, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1494. (1) An individual who files to appear on the ballot for election to an elective office specified in section 49-1493 shall file a statement of financial interests for the preceding calendar year at the same time and with the same official with whom the individual files and shall, within five days, file a copy of the statement with the commission. Candidates for the elective offices specified in section 49-1493 who qualify other than by filing shall, within fifteen

days after becoming a candidate or within fifteen days after being appointed to that elective office, file a statement for the preceding calendar year with the commission. This section shall not apply to a person who has already filed a statement in that calendar year pursuant to section 49-1493. A filing to appear on the ballot shall not be accepted by a filing official unless a statement is properly filed. Financial interest statements shall be preserved for a period of not less than eighteen months by the officials other than the commission with whom they are filed, and not less than five years by the commission.

(2) If the candidate for an elective office specified in section 49-1493 files to appear on the ballot for election prior to January 1 of the year in which the election is held, the candidate shall file supplementary statements with the appropriate filing officials on or before April 1 of the year in which the election is held covering the preceding calendar year.

Sec. 4. That section 49-14,121, Revised Statutes Supplement, 1982, be amended to read as follows:

49-14,121. The commission shall employ an executive director, and may employ a general counsel and such other staff as are necessary to carry out its duties pursuant to sections 49-1401 to 49-14,138. The executive director shall serve at the pleasure of the commission, and shall be solely responsible to it. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him or her by the commission, except that the commission shall not delegate the making of regulations to the executive director. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to sections 49-1401 to 49-14,138. Unless prohibited by law, the Tax Commissioner, the Auditor of Public Accounts, the Attorney General, and the county attorneys shall make available to the commission such personnel, facilities, and other assistance as the commission may request. Members of the commission and employees of the commission shall be exempted from the provisions of Chapter 81, article 13, except that they may be covered by the state personnel system through specific agreement between the commission and the Department of Personnel.

Sec. 5. That section 49-14,123, Revised Statutes Supplement, 1982, be amended to read as follows:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to

carry out the provisions of sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03, pursuant to the provisions of Chapter 84, article 9;

(2) Prescribe forms for statements and reports required to be filed pursuant to sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03, and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals explaining the duties of all persons and other entities required to file statements and reports by sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03 and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than twenty-five cents fifty cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish summaries of statements and reports filed with the commission, and special reports and technical studies to further the purposes of sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of not less than five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03 upon the request of a person or governmental body directly covered or affected by sections 49-1401 to 49-14,138 and 49-1446.01 to 49-1446.03. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the provisions of sections 49-1401 to 49-14,138 and 49-1446.01 to

49-1446.03 and the rules or regulations promulgated thereunder; and

(12) Receive all late filing fees and submit them to those authorities designated by law to effectuate the provisions of Article VII, section 5, of the Constitution of Nebraska; and -

(13) Prepare and distribute to the appropriate local officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission may deem appropriate.

Sec. 6. The county clerk or election commissioner in each county shall distribute forms prepared by the Nebraska Accountability and Disclosure Commission to any person, as defined in section 49-1438, required to file any statement or report pursuant to sections 49-1401 to 49-1479, and 49-1493 to 49-14,138. Such forms shall include, but not be limited to, filing forms and instructions, statements of financial interest, and campaign committee organization forms.

Sec. 7. That section 81-198, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-198. The following agencies, boards, or commissions shall terminate on July 1, 1983:

(1) State Board of Landscape Architects, created by section 81-8,186;

(2) Abstracters Board of Examiners, created by section 76-511;

(3) State Real Estate Commission, created by section 81-885.07;

(4) Nebraska State Board of Public Accountancy, created by section 1-107;

(5) State Board of Examiners for Professional Engineers and Architects, created by section 81-841;

(6) Nebraska Collection Agency Board, created by section 81-8,160; and

(7) State Board of Examiners for Land Surveyors, created by section 81-8,110; and

(8) The Nebraska Accountability and Disclosure Commission, created by section 49-14,195.

Sec. 8. That original sections 49-1470, 49-1494, and 81-198, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1483, 49-14,121, and 49-14,123, Revised Statutes Supplement, 1982, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.