

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 361

Introduced by Raikes, 25

Read first time January 12, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to public funds; to amend sections 13-501
2 and 49-14,101.02, Revised Statutes Cumulative Supplement,
3 2006; to prohibit the use of public funds for paying dues
4 or membership fees to certain organizations; to provide a
5 penalty; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-501, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 13-501 Sections 13-501 to 13-513 and section 2 of this
4 act shall be known and may be cited as the Nebraska Budget Act.

5 Sec. 2. A governing body shall not authorize the use of
6 public funds for the purpose of paying dues or membership fees to
7 an organization unless the organization provides assurance, in the
8 form of a written contract, that revenue derived from such dues or
9 fees will not be used for the purpose of campaigning for or against
10 the nomination or election of a candidate or the qualification,
11 passage, or defeat of a ballot question.

12 Sec. 3. Section 49-14,101.02, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 49-14,101.02 (1) For purposes of this section, public
15 resources means personnel, property, resources, or funds under the
16 official care and control of a public official or public employee.

17 (2) Except as otherwise provided in this section, a
18 public official or public employee shall not use or authorize
19 the use of public resources for the purpose of campaigning for
20 or against the nomination or election of a candidate or the
21 qualification, passage, or defeat of a ballot question.

22 (3) A public official or public employee shall not
23 authorize the use of public funds for the purpose of paying dues or
24 membership fees to an organization if he or she knows or has reason
25 to know that revenue derived from such dues or fees will be used

1 by the organization for the purpose of campaigning for or against
2 the nomination or election of a candidate or the qualification,
3 passage, or defeat of a ballot question.

4 ~~(3)~~ (4) This section does not prohibit a public official
5 or public employee from making government facilities available to
6 a person for campaign purposes if the identity of the candidate
7 or the support for or opposition to the ballot question is not a
8 factor in making the government facility available or a factor in
9 determining the cost or conditions of use.

10 ~~(4)~~ (5) This section does not prohibit a governing
11 body from discussing and voting upon a resolution supporting or
12 opposing a ballot question or a public corporation organized under
13 Chapter 70 from otherwise supporting or opposing a ballot question
14 concerning the sale or purchase of its assets.

15 ~~(5)~~ (6) This section does not prohibit a public official
16 from responding to specific inquiries by the press or the public as
17 to his or her opinion regarding a ballot question or from providing
18 information in response to a request for information.

19 ~~(6)~~ (7) This section does not prohibit a member of the
20 Legislature from making use of public resources in expressing his
21 or her opinion regarding a candidate or a ballot question or from
22 communicating that opinion. A member is not authorized by this
23 section to utilize mass mailings or other mass communications at
24 public expense for the purpose of campaigning for or against the
25 nomination or election of a candidate. A member is not authorized

1 by this section to utilize mass mailings at public expense for the
2 purpose of qualifying, supporting, or opposing a ballot question.

3 ~~(7)~~ (8) Nothing in this section prohibits a public
4 official from campaigning for or against the qualification,
5 passage, or defeat of a ballot question or the nomination or
6 election of a candidate when no public resources are used.

7 ~~(8)~~ (9) Nothing in this section prohibits a public
8 employee from campaigning for or against the qualification,
9 passage, or defeat of a ballot question or the nomination or
10 election of a candidate when no public resources are used. Except
11 as otherwise provided in this section, a public employee shall
12 not engage in campaign activity for or against the qualification,
13 passage, or defeat of a ballot question or the nomination or
14 election of a candidate while on government work time or when
15 otherwise engaged in his or her official duties.

16 ~~(9)~~ (10) This section does not prohibit an employee of
17 the Legislature from using public resources consistent with this
18 section for the purpose of researching or campaigning for or
19 against the qualification, passage, or defeat of a ballot question
20 if the employee is under the direction and supervision of a member
21 of the Legislature.

22 (11) Any person violating this section shall be guilty of
23 a Class III misdemeanor.

24 Sec. 4. Original sections 13-501 and 49-14,101.02,
25 Revised Statutes Cumulative Supplement, 2006, are repealed.