

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 66**

Introduced by Rogert, 16; Friend, 10.

Read first time January 8, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to Nebraska Political Accountability and  
2 Disclosure Act; to amend sections 49-1415, 49-1471,  
3 49-1472, and 49-1490, Reissue Revised Statutes of  
4 Nebraska, and sections 49-1446.03 and 49-1447, Revised  
5 Statutes Cumulative Supplement, 2008; to change the limit  
6 on certain contributions and gifts; and to repeal the  
7 original sections.

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

1           Section 1. Section 49-1415, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           49-1415 (1) Contribution shall mean a payment, gift,  
4 subscription, assessment, expenditure, contract, payment for  
5 services, dues, advance, forbearance, loan, donation, pledge or  
6 promise of money or anything of ascertainable monetary value to  
7 a person, made for the purpose of influencing the nomination or  
8 election of a candidate, or for the qualification, passage, or  
9 defeat of a ballot question. An offer or tender of a contribution  
10 is not a contribution if expressly and unconditionally rejected or  
11 returned.

12           (2) Contribution shall include the purchase of tickets  
13 or payment of an attendance fee for events such as dinners,  
14 luncheons, rallies, testimonials, and similar fundraising events;  
15 an individual's own money or property other than the individual's  
16 homestead used on behalf of that individual's candidacy; and the  
17 granting of discounts or rebates by broadcast media and newspapers  
18 not extended on an equal basis to all candidates for the same  
19 office.

20           (3) Contribution shall not include:

21           (a) Volunteer personal services provided without  
22 compensation, or payments of costs incurred of less than two  
23 hundred fifty dollars in a calendar year by an individual for  
24 personal travel expenses if the costs are voluntarily incurred  
25 without any understanding or agreement that the costs shall be,

1 directly or indirectly, repaid;

2 (b) Amounts received pursuant to a pledge or promise  
3 to the extent that the amounts were previously reported as a  
4 contribution; or

5 (c) Food and beverages, not to exceed ~~fifty~~ one hundred  
6 dollars in value during a calendar year, which are donated by an  
7 individual and for which reimbursement is not given.

8 Sec. 2. Section 49-1446.03, Revised Statutes Cumulative  
9 Supplement, 2008, is amended to read:

10 49-1446.03 Except as otherwise provided in the Nebraska  
11 Political Accountability and Disclosure Act, any committee may, in  
12 addition to the expenditures set forth in section 49-1446.01, make  
13 expenditures for the following:

14 (1) The necessary continued operation of the campaign  
15 office or offices of the candidate or political committee;

16 (2) Social events primarily for the benefit of campaign  
17 workers and volunteers or constituents;

18 (3) Obtaining public input and opinion;

19 (4) Repayment of campaign loans incurred prior to  
20 election day;

21 (5) Newsletters and other communications for the purpose  
22 of information, thanks, acknowledgment, or greetings or for the  
23 purpose of political organization and planning;

24 (6) Gifts of acknowledgment, including flowers and  
25 charitable contributions, except that gifts to any one individual

1 shall not exceed ~~fifty~~ one hundred dollars in any one calendar  
2 year;

3 (7) Meals, lodging, and travel by an officeholder related  
4 to his or her candidacy and for members of the immediate family of  
5 the officeholder when involved in activities related to his or her  
6 candidacy;

7 (8) Conference fees, meals, lodging, and travel by an  
8 officeholder and his or her staff when involved in activities  
9 related to the duties of his or her public office; and

10 (9) In the case of the candidate committee for the  
11 Governor, conference fees, meals, lodging, and travel by the  
12 Governor, his or her staff, and his or her immediate family, when  
13 involved in activities related to the duties of the Governor.

14 Sec. 3. Section 49-1447, Revised Statutes Cumulative  
15 Supplement, 2008, is amended to read:

16 49-1447 (1) The committee treasurer shall keep detailed  
17 accounts, records, bills, and receipts necessary to substantiate  
18 the information contained in a statement or report filed pursuant  
19 to sections 49-1445 to 49-1479.02 or rules and regulations adopted  
20 and promulgated under the Nebraska Political Accountability and  
21 Disclosure Act.

22 (2)(a) For any committee other than a candidate  
23 committee, the committee treasurer shall be responsible for filing  
24 all statements and reports of the committee required to be filed  
25 under the act and shall be personally liable subject to section

1 49-1461.01 for any late filing fees, civil penalties, and interest  
2 that may be due under the act as a result of a failure to make  
3 such filings.

4 (b) For candidate committees, the candidate shall be  
5 responsible for filing all statements and reports required to  
6 be filed by his or her candidate committee under the Nebraska  
7 Political Accountability and Disclosure Act or the Campaign Finance  
8 Limitation Act. The candidate shall be personally liable for any  
9 late filing fees, civil penalties, and interest that may be due  
10 under either act as a result of a failure to make such filings  
11 and may use funds of the candidate committee to pay such fees,  
12 penalties, and interest.

13 (3) The committee treasurer shall record the name and  
14 address of each person from whom a contribution is received except  
15 for contributions of ~~fifty~~ one hundred dollars or less received  
16 pursuant to subsection (2) of section 49-1472.

17 (4) The records of a committee shall be preserved for  
18 five years and shall be made available for inspection as authorized  
19 by the commission.

20 (5) Any person violating this section shall be guilty of  
21 a Class III misdemeanor.

22 Sec. 4. Section 49-1471, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 49-1471 A contribution or expenditure of more than ~~fifty~~  
25 one hundred dollars shall not be made or accepted in cash.

1 Contributions and expenditures of more than ~~fifty~~ one hundred  
2 dollars, other than an in-kind contribution or expenditure, shall  
3 be made by written instrument containing the names of the payor and  
4 the payee. Any person who knowingly violates this section shall be  
5 guilty of a Class III misdemeanor.

6 Sec. 5. Section 49-1472, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 49-1472 (1) A person shall not accept or expend an  
9 anonymous contribution. An anonymous contribution received by a  
10 person shall not knowingly be deposited but shall be given to  
11 a tax-exempt charitable organization. The charitable organization  
12 receiving the contribution shall provide the person with a receipt.  
13 The person shall give a copy of the receipt to the commission.

14 (2) A contribution received as the result of a  
15 fundraising event, or from the sale of political merchandise, or  
16 from membership fees, dues, or subscriptions for political purposes  
17 to an independent committee that is ~~fifty~~ one hundred dollars or  
18 less shall not be considered an anonymous contribution.

19 (3) A person making a contribution pursuant to subsection  
20 (2) of this section which is ~~fifty dollars or~~ more than one hundred  
21 dollars shall furnish the recipient with the donor's name, address,  
22 and the total amount contributed.

23 (4) Any person violating the provisions of this section  
24 shall be guilty of a Class III misdemeanor.

25 Sec. 6. Section 49-1490, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           49-1490 (1) No principal, lobbyist, or person acting on  
3 behalf of either shall within one calendar month give any gifts  
4 with an aggregate value of more than ~~fifty~~ one hundred dollars to  
5 the following:

6           (a) An official or a member of the official's staff in  
7 the executive branch of state government;

8           (b) An official or a member of the official's staff in  
9 the legislative branch of state government; or

10           (c) A member of the immediate family of an official in  
11 the executive or legislative branch of state government.

12           (2) No official or member of the official's staff in the  
13 executive or legislative branch of state government or member of  
14 the official's immediate family shall within one calendar month  
15 accept from a principal, lobbyist, or person acting on behalf of  
16 either any gifts with an aggregate value of more than ~~fifty~~ one  
17 hundred dollars.

18           (3) An admission to a state-owned facility or a  
19 state-sponsored industry or event may be given by any sponsoring  
20 agency, political subdivision, or publicly funded postsecondary  
21 educational institution and accepted regardless of value.

22           (4) Any person who knowingly and intentionally violates  
23 this section shall be guilty of a Class III misdemeanor.

24           Sec. 7. Original sections 49-1415, 49-1471, 49-1472,  
25 and 49-1490, Reissue Revised Statutes of Nebraska, and sections

LB 66

LB 66

1 49-1446.03 and 49-1447, Revised Statutes Cumulative Supplement,  
2 2008, are repealed.