

LEGISLATIVE BILL 162

Approved by the Governor May 22, 1979

Introduced by Miscellaneous Subjects Committee, Newell, 13, Chan.; Sieck, 24; Simon, 31; Fitzgerald, 14; Murphy, 17

AN ACT to amend sections 49-1419, 49-1434, 49-1480, 49-1483, 49-1490, and 49-1491, Revised Statutes Supplement, 1978, relating to the Nebraska Political Accountability and Disclosure Act; to redefine terms; to change filing requirements as prescribed; to change gift provisions; to repeal the original sections, and also section 49-1487, Revised Statutes Supplement, 1978; and to declare an emergency.

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

Section 1. That section 49-1419, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1419. (1) Expenditure shall mean a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question. An offer or tender of an expenditure is not an expenditure if expressly and unconditionally rejected or returned.

(2) Expenditure shall include a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question.

(3) Expenditure shall not include:

(a) An amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure;

(b) An expenditure for communication by a person strictly with the person's paid members or shareholders;

(c) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference;

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support of or opposition to a candidate for elective office, or a ballot question in the regular course of publication or broadcasting; or

(e) An expenditure for nonpartisan voter registration activities. This exclusion shall not apply if a candidate or group of candidates sponsors, finances, or is identified by name with the activity. This exclusion shall apply to an activity performed pursuant to Chapter 32, article 2, by an election commissioner or other registration official who is identified by name with the activity.

(4) Expenditure for purposes of sections 49-1480 to 49-1492 shall mean an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure. Expenditure shall not include payments for transportation by lobbyists or the cost of communicating positions from a principal to a lobbyist or from a lobbyist to a principal.

Sec. 2. That section 49-1434, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1434. (1) Principal shall mean a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist shall mean a person who is authorized to lobby on behalf of a principal, and shall include an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist shall not include:

(a) A public official or employee of a branch of state government except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

~~(a)~~ (b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

~~(b) Any person who limits his lobbying solely to appearances before legislative committees and who advises the committee in writing whom he represents;~~

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

~~(d) Any person who limits his activities solely to writing letters, placing telephone calls, or furnishing written material to the legislature or to committees thereof, or who furnishes to the Clerk of the legislature public copies of letters or written material sent to individual members of the legislature; or Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the legislature or at the direction of the Governor, or (ii) to writing letters or furnishing written material to individual members of the legislature or to the committees thereof who furnishes to the Clerk of the legislature a copy of such letter or written material for public inspection; or~~

~~(e) Any person who limits his activities solely to appearances before legislative committees upon the invitation of a member of the legislature, or at the direction of the Governor, and who so advises the committee at the time of his appearance. Any individual who does not engage in lobbying for another person, as defined in section 49-1433, Revised Statutes Supplement, 1978.~~

Sec. 3. That section 49-1480, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1480. Every person employed, retained, or authorized as a lobbyist shall, before commencing any lobbying activity, file an application with the Clerk of the Legislature for registration as a lobbyist, and if the clerk is satisfied that the application has been properly prepared the registration shall be deemed to be complete. The application shall be on a form prescribed by the clerk and approved by the Executive Board of the Legislative Council, and shall include as a minimum the following:

(1) The name, permanent residence address, and office address of the lobbyist;

(2) ~~The name and address of each person employed, reimbursed for expenses, or compensated by the lobbyist for lobbying in this state; The name and address of the principal of such lobbyist;~~

(3) ~~The name, address, and nature of business of any person who authorizes or who gives compensation to or reimburses the lobbyist for lobbying; The form shall contain any sum given the lobbyist as compensation or reimbursement for lobbying since the first day of the year in which the registration is filed, and the terms of such payments; A lobbyist who is salaried or retained by a principal or any other person need only report that portion of compensation or reimbursement reasonably attributable to lobbying; The nature of the business of such principal and the amounts or sums given or to be given the lobbyist as compensation or reimbursement for lobbying. A lobbyist who is salaried or retained by a principal need only report that portion of compensation or reimbursement reasonably attributable to lobbying;~~

(4) A description of the business activity of the lobbyist; ~~if the lobbyist is a business entity;~~

(5) An identification of the matters on which the principal or lobbyist expects to lobby; ~~or has lobbied since the first day of the year in which the registration is filed;~~

~~(6) If the lobbyist is an industry, trade, or professional association:~~

~~(a) A specific description of the lobbyist's business and purposes; and~~

~~(b) A specific description of the industry, trade, or profession represented by the lobbyist;~~

~~(7) If the lobbyist is not an industry, trade, or professional association:~~

~~(a) A specific description of the lobbyist's nature and purposes; and~~

~~(b) A specific description of the interests and groups represented by the lobbyist; and~~

~~(8) The name and address of any official in the legislative or executive branch, and of any members of any such official's staff or immediate family, who is employed by a lobbyist or by anyone acting on that person's behalf;~~

(6) If the principal is an industry, trade or professional association, a specific description of the industry, trade, or profession represented by the principal and the names and addresses of its officers;

(7) If the principal is not an industry, trade, or professional association, a specific description of the interests and groups represented by the principal and the names and addresses of its officers; and

(8) The name and address of any official in the legislative or executive branch, and of any members of any such official's staff or immediate family who is employed by the lobbyist or any person acting on behalf of such lobbyist if such information is known or reasonably should have been known to the lobbyist.

Sec. 4. That section 49-1483, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1483. Every registered lobbyist for each of his 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 ten 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; and

(2) A detailed statement of any money loaned, promised, or paid by a lobbyist to any legislator or to anyone on his 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. 5. That section 49-1490, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1490. (1) A principal, lobbyist, or anyone acting on behalf of ~~a lobbyist~~ either shall not give a gift to any official or member of any official's staff in the executive or legislative branch of state government, or member of an official's immediate family. Any person who knowingly gives a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(2) An official or any other person on his or her behalf in the legislative or executive branch of state government or a member of his such official's staff or immediate family shall not solicit or accept a gift in violation of subsection (1) of this section. Any person who knowingly solicits or accepts a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(3) As used in sections 49-1480 to 49-1492, gift shall mean a payment, subscription, advance, forbearance, honorarium, or the rendering or deposit of money, services, or anything of value, the value of which exceeds ~~ten~~ twenty-five dollars in any one-month period, unless consideration of equal or greater value is received therefor. Gift shall not include:

(a) A campaign contribution otherwise reported as required by law;

(b) A commercially reasonable loan made in the ordinary course of business;

(c) A gift received from a member of the person's immediate family, a relative, or from the spouse of any such relative;

(d) A breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption; or

(e) Admissions to state regulated industries, facilities, or events.

Sec. 6. As a part of the statement required to be filed by a principal pursuant to section 49-1483, a principal shall report the name and address of every person from whom it has received more than one hundred dollars in any one month for lobbying purposes.

Sec. 7. That section 49-1491, Revised Statutes Supplement, 1978, be amended to read as follows:

49-1491. A principal, lobbyist, or anyone acting on behalf of ~~a lobbyist either~~, shall not knowingly or willfully make any false or misleading statement or misrepresentation of fact to any public official in the executive or legislative branch of state government.

Sec. 8. That original sections 49-1419, 49-1434, 49-1480, 49-1483, 49-1490, and 49-1491, Revised Statutes Supplement, 1978, and also section 49-1487, Revised Statutes Supplement, 1978, 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.