

LEGISLATIVE BILL 54

Approved by the Governor May 17, 1979

Introduced by Cullan, 49

AN ACT to amend sections 49-14,105, 49-14,106, 49-14,109 to 49-14,112, Revised Statutes Supplement, 1978, relating to the Nebraska Accountability and Disclosure Commission; to change membership; to harmonize provisions; to change vacancy provisions; 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 49-14,105, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,105. There is hereby established the Nebraska Accountability and Disclosure Commission. The commission shall be composed of eight ~~nine~~ members, including the ~~Governor and the~~ Secretary of State. The appointed members serving on the commission on the effective date of this act shall serve the remainder of their terms and two additional members shall be appointed pursuant to this act. The remaining ~~six~~ eight appointed members shall be appointed, subject to confirmation--by the legislature the provisions of subsection (2) of section 49-14,110, as follows:

(1) ~~Three~~ Four members shall be appointed by the Governor in the following manner:

(a) One member from each of two lists submitted by the Legislature. Each list shall contain at least three individuals; and

(b) ~~One member~~ Two members from the citizenry of the state at large; and

(2) ~~Three~~ Four members shall be appointed by the Secretary of State in the following manner:

(a) One member from a list of at least three individuals submitted by the Democrat state chairperson;

(b) One member from a list of at least three individuals submitted by the Republican state chairperson; and

(c) ~~One member~~ Two members from the citizenry of the state at large.

Sec. 2. That section 49-14,106, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,106. The Governor and Secretary of State shall make their appointments in such a manner as to assure that not more than four of the ~~six~~ eight appointed members of the commission shall be from the same political party and at least one member shall be registered as an independent and such person shall have been so registered for at least two years prior to his appointment. The appointments provided for in subdivisions (1) (a), (2) (a), and (2) (b) of section 49-14,105 shall be made prior to any other appointments. The appointment provided for in subdivision (1) (b) of section 49-14,105 shall precede the appointment provided for in subdivision (2) (c) of section 49-14,105.

Sec. 3. That section 49-14,109, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,109. The Legislature appropriate legislative committee, to be determined under the rules of the Legislature, shall conduct open confirmation hearings with respect to the qualifications of each person appointed to the commission and submitted for confirmation approval by the Governor or the Secretary of State, and under no circumstances may such hearings be closed to the public. Hearings need not be held regarding a person who has, in a written letter to the Governor, withdrawn his or her name from consideration.

Sec. 4. That section 49-14,110, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,110. (1) The lists of persons nominated for appointments to the commission shall be submitted to the Governor and Secretary of State not later than February 15, 1977. An individual may not appear upon both of the initial lists submitted by the Legislature. The Governor and Secretary of State shall submit their appointments to the Legislature not later than March 15, 1977. If the Governor and Secretary of State do not receive the lists within the prescribed period, they shall make appointments of their own choosing, subject only to the restrictions as to qualifications of members under section 49-14,105.

(2) ~~If the Legislature has not finally acted upon an initial or subsequent appointment within sixty days of its submission by the Governor or the Secretary of State, that person shall be seated as an acting member of the commission, with full powers, until the Legislature so acts. All appointments whether initial or subsequent~~

shall be subject to the approval of a majority of the members of the legislature, if the legislature is in session. If the legislature is not in session, any appointment shall be temporary until the next session of the legislature, at which time a majority of the members of the legislature may approve or disapprove such appointment.

Sec. 5. That section 49-14,111, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,111. (1) The appointed members of the commission shall serve for terms of six years, except that, of the members first appointed:

(a) The Governor shall designate (i) one individual from a list submitted by the legislature to serve a term of one year; (ii) the individual appointed at large to serve a term of three years; and (iii) one individual from a list submitted by the legislature to serve a term of five years; and (iv) an additional individual appointed at large to serve a term of six years; and

(b) The Secretary of State shall designate (i) the individual from the list submitted by the Democrat state chairperson to serve a term of two years; (ii) the individual appointed at large to serve a term of four years; and (iii) the individual from the list submitted by the Republican state chairperson to serve a term of six years; and (iv) the additional individual appointed at large to serve a term of six years.

(2) All succeeding appointments to the commission shall be made in the same manner as the original appointments are made and succeeding appointees shall have the same qualifications as their predecessors. Each such appointment shall be made in such a manner so that by succeeding appointments the appointed membership of the commission consists of not more than three members from any one Congressional district.

Sec. 6. That section 49-14,112, Revised Statutes Supplement, 1978, be amended to read as follows:

49-14,112. (1) When a vacancy occurs by expiration of a term of office or otherwise, which vacancy is subject to an appointment from a list pursuant to the provisions of section 49-14,105, such list shall be submitted to the Governor or the Secretary of State not later than thirty days after such vacancy occurs. If the appointment is subject to a list pursuant to subdivision (1)(a) of section 49-14,105, and the

~~Legislature is not in session, such list may be submitted by the Executive Board of the Legislative Council. The Governor or Secretary of State shall submit his or her appointment to the Legislature, subject to the provisions of subsection (2) of section 49-14,110, not later than thirty days following the receipt of any such list. If the Governor or Secretary of State does not receive such list within thirty days of any such vacancy, the Governor or Secretary of State may make an appointment of his or her own choosing, subject to the provisions of subsection (2) of section 49-14,110. the lists of persons nominated for appointments to fill the vacancy on the commission shall be submitted to the Governor or Secretary of State not later than fifteen legislative days following the convening of the next regular session of the legislature. The Governor or Secretary of State shall submit his appointment to the Legislature not later than thirty legislative days following the convening of such regular session of the legislature. If the Governor or Secretary of State do not receive such lists within the prescribed period, the Governor or Secretary of State may make appointments of their own choosing, subject to confirmation by the legislature.~~

(2) No individual appointed to the commission shall serve more than one full six-year term on the commission.

Sec. 7. That original sections 49-14,105, 49-14,106, and 49-14,109 to 49-14,112, Revised Statutes Supplement, 1978, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.