

**OPEN SESSION**  
**MINUTES OF THE MEETING OF THE**  
**NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION**  
**Friday, March 6, 2020**  
**Conference Room D, 4<sup>th</sup> Floor**  
**1526 K Street**  
**Lincoln, Nebraska**

**Call to Order** – Commissioner Enenbach called the meeting to order at 9:01 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Marty Callahan – Excused  
Tom Carlson – Present  
Jeffrey Davis - Present  
Matthew Enenbach – Present  
Robert Evnen – Present  
Douglas Hegarty – Present  
Andrew Loudon – Excused  
Jeffery Peetz – Excused  
Kate Sullivan – Present

**Approval of the Open Session Minutes of the December 6, 2019 Meeting** – Chairman Enenbach referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

**Motion by Sullivan, second by Hegarty, that the Open Session Minutes of the December 6, 2019 meeting be approved as presented** - Roll Call Vote: Commissioners Davis, Enenbach, Evnen, Hegarty, and Sullivan voted yes. Motion carried (5-0-0).

**Report on late filing fees and requests for relief:** none.

**Public Hearing on proposed amendments to Title 4, Chapter 2, Designation of Individuals Required to file Statements of Financial Interests** –

[The hearing was recorded separately by a registered professional reporter from Lehman Reporting Services]

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Chairman Enenbach invited public comment. There were none. Whereupon, Chairman Enenbach concluded the hearing on the proposed amendments to Title 4, Chapter 2 at 9:12 a.m.

Chairman Enenbach noted the arrival of Commissioner Carlson at 9:12 a.m.

Discussion followed.

**Motion by Evnen, second by Davis, that the Commission adopt the proposed amendments to Title 4, Chapter 2, Designation of Individuals Required to file Statements of Financial Interests-** Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Evnen, Hegarty, and Sullivan voted yes. Motion carried (6-0-0).

**Executive Director's Report (includes personnel activity, budget status, budget process and litigation status)** - The Executive Director referred the Commissioners to their packets. He reported that Commissioner Sullivan's term would expire June 30, 2020. However, because Commissioner Sullivan is filling an unexpired term, she is eligible for appointment to a full six year term.

The Executive Director indicated that seven months into the current budget year, the Commission had expended approximately 57% of the agency budget.

Executive Director Daley reported to the Commission that he had previously requested a deficit appropriation. The request was necessitated by a payment connected to the electronic project and the need to move the agency website to a new platform. The hearing was held on February 4, 2020. Mr. Daley indicated that he was generally optimistic about the request.

The Executive Director reported that Deputy Director Hunter continues to comb through the electronic filing project to find any issues that need to be addressed, changed or corrected. Mr. Daley noted the new system is nearly ready to launch, but it would not be practical to do so in the middle of an election cycle. The current plan is to launch the new system following the general election.

Discussion followed.

The Executive Director indicated that Annual Campaign Statements were due on January 31<sup>st</sup> 2020. Those filed are available for viewing on the website. The 1<sup>st</sup> Primary Election Statements are due April 13, 2020.

Executive Director Daley reported that the Lobbyist and Principal Reports for the 4<sup>th</sup> Quarter that have been filed are available for review on the Clerk of the Legislature's website.

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The Executive Director indicated that in the matter of litigation he would defer to General Counsel Danberg.

General Counsel Danberg reported on the matter of the NADC v. Timothy Moore. Mr. Danberg indicated that the Respondent had appealed the Commission's order, and the matter is now before the District Court of Buffalo County. An Assistant Attorney General is representing the Commission on appeal. She indicated to Danberg that she is waiting for the Court to take some action. The matter is pending.

Discussion followed.

**Legislative Update** - The Executive Director Daley next referred the Commissioners to their packets and gave the update of legislative bills.

LB 857 – This bill was introduced by Senator Lowe and applies to rules and regulations adopted by state agencies in general. This bill is not a priority bill and is currently pending before the committee.

LB 889 – This bill was introduced by Senator Hilgers and clarifies provisions of the Administrative Procedures Act. This bill would affect all state agencies. It is on Select file.

LB 878 – This bill was introduced by Senator Walz. This bill would expand the definition of immediate family member and correct an inconsistency in the NPADA statute concerning contracts. LB 878 is not a priority bill and unlikely to receive further action.

LB 935 and LB 936 – These bills were introduced by Senator Hunt. Both bills deal with the use of campaign funds. They are not priority bills, are still pending before the committee and are unlikely to receive further action.

LB 1136 – This bill was introduced by Senator Williams. The bill would repeal a provision in Chapter 70 of the statutes which prohibits directors of public power districts, rural public power districts and public power and irrigation districts from having an interest in a contract with the district. Mr. Daley explained that statute was intended to address abuses occurring in the 1930's and 40's. LB 1136 would apply a provision of the NPADA on contracts to these directors. This is not a priority bill, but has advanced to General File. Mr. Daley further explained that LB 1055 is a bill that deals with elections conducted by mail, it is a government committee priority bill. Five legislative bills are being amended into LB 1055, including LB 1136. Daley also stated that Senator Williams has agreed to introduce an amendment to LB 1055 which would include the corrective language of LB 878.

Discussion followed.

**Motion by Evnen, second by Carlson, that the Commission express support for LB 1055 inasmuch as it includes the provisions LB 1136 and LB 878** – Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Evnen, Hegarty, and Sullivan voted yes. Motion carried (6-0-0).

LB 803 – This bill was introduced by Senator Halloran. This bill would create the Pulse Crop Utilization and Marketing Board. The Executive Director indicated that this bill would also apply a conflict of interest provision of the NPADA to the new board. The NPADA provision applies to other commodities boards as well. The bill is on select file.

LB 996 – This bill was introduced by Senator Brandt that amends the Nebraska Telecommunications Regulation Act. The bill itself is of no particular interest to the Commission. However, a proposed amendment to LB 966 would amend the NPADA provision on use of public resources. It would provide that a member of the Legislature may make use of the government internet network for essential personal business. Creating an exception to the NPADA. This bill is on Select File.

Discussion followed.

**Motion by Davis, second by Sullivan, that with respect to LB 803 and LB 996 that the Commission direct the Commission staff to take a neutral position** - Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Evnen, Hegarty, and Sullivan voted yes. Motion carried (6-0-0).

**Report of Conflicts Committee** – Chairman Enenbach indicated that there were no conflicts.

**Report of Executive Committee** – Chairman Enenbach indicated that there are no issues to report at this time.

**Closed Session - Motion by Davis, second by Carlson, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA** - Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Evnen, Hegarty and Sullivan voted yes. Motion carried (6-0-0).

The NADC went into Closed Session at 9:42 a.m.

The NADC returned to Open Session at 10:05 a.m.

**Action on or Announcement of Closed Session matters** - Executive Director Daley reported that in the matter of Executive Director v. Roger Nunnekamp, case #19-29, the Commission approved a settlement agreement in which it found that Mr. Nunnekamp had violated §49-1493. No civil penalty was assessed. The

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settlement agreement was approved with six Commissioners concurring, none dissenting and none abstaining. Mr. Daley indicated in the matter of Charles McKay v. Marvin Kohout case #19-39, the Commission approved a settlement agreement in which it found a violation of §49-1496 and a violation of §49-1499.03(1). The Commission assessed a civil penalty of \$750 with six Commissioners concurring, none dissenting, and none abstaining.

**Adjournment – Motion by Davis, second by Sullivan, that the NADC adjourn.** Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Evnen, Hegarty, and Sullivan voted yes. Motion carried (6-0-0).

Chairman Enenbach declared the meeting adjourned at 10:09 a.m.