

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 581

Introduced by McDonnell, 5; Hilkemann, 4; Howard, 9.

Read first time January 18, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Nebraska Political Accountability and
2 Disclosure Act; to amend sections 49-1401 and 49-1402, Reissue
3 Revised Statutes of Nebraska; to state legislative findings; to
4 require certain disclosures; to provide certain rights; to provide a
5 penalty; to harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 49-1401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 49-1401 Sections 49-1401 to 49-14,141 and sections 3 and 4 of this
4 act shall be known and may be cited as the Nebraska Political
5 Accountability and Disclosure Act.

6 Sec. 2. Section 49-1402, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 49-1402 The Legislature finds:

9 (1) That the public interest in the manner in which election
10 campaigns are conducted has increased greatly in recent years, creating a
11 need for additional disclosure and accountability;

12 (2) That there is a compelling state interest in ensuring that the
13 state and local elections are free of corruption and the appearance of
14 corruption and that this can only be achieved if (a) the sources of
15 funding of campaigns are fully disclosed and (b) the use of money in
16 campaigns is fully disclosed;

17 (3) That a lobbyist may be employed by multiple principals, that the
18 principals may have different interests, and that certain disclosures by
19 a lobbyist may eliminate conflicts of interest;

20 (4) (3) That it is essential to the proper operation of democratic
21 government that public officials and employees be independent and
22 impartial, that governmental decisions and policy be made in the proper
23 channels of governmental structure, and that public office or employment
24 not be used for private gain other than the compensation provided by law;
25 and

26 (5) (4) That the attainment of one or more of these ends is impaired
27 when there exists, or appears to exist, a substantial conflict between
28 the private interests of a public official and his or her duties as such
29 official; and that although the vast majority of public officials and
30 employees are dedicated and serve with high integrity, the public
31 interest requires that the law provide greater accountability,

1 disclosure, and guidance with respect to the conduct of public officials
2 and employees.

3 Sec. 3. (1) Every person employed, retained, registered, or
4 authorized as a lobbyist shall, before commencing any lobbying activity,
5 present a disclosure statement in writing to his or her principal. The
6 disclosure statement shall include as a minimum:

7 (a) The name, permanent residence address, and office address of the
8 lobbyist;

9 (b) A description of the business activity of the lobbyist;

10 (c) The name of every other principal represented by such lobbyist,
11 the nature of the business of such principal, the amounts or sums given
12 or to be given to the lobbyist as compensation or reimbursement for such
13 lobbying, and an identification of the matters on which such lobbyist
14 expects to lobby with respect to such principal;

15 (d) A description of any business association of the lobbyist;

16 (e) Any information which the lobbyist possesses with respect to his
17 or her lobbying activities which might constitute a conflict of interest
18 with respect to his or her principal; and

19 (f) A notice to be printed in capital and lowercase letters of not
20 less than ten point boldface type which appears under the conspicuous
21 caption: PRINCIPAL'S RIGHT TO CANCEL; which shall read as follows: You
22 may cancel an agreement entered into with the lobbyist named in this
23 statement by mailing a written notice to (Insert name and office address
24 of lobbyist) before midnight of the third business day after you receive
25 this statement. If you wish, you may use this page as that notice by
26 writing "I hereby cancel" and adding your name and address.

27 (2) Any change in the information required to be disclosed under
28 subsection (1) of this section shall be provided by the lobbyist to his
29 or her principal within ten days after such change.

30 (3) A disclosure statement presented to a principal pursuant to
31 subsection (1) of this section and a statement of change provided

1 pursuant to subsection (2) of this section shall be signed by the
2 principal upon receipt. The lobbyist shall file a copy of the signed
3 disclosure statement with the commission within ten days after its
4 signing and shall file a copy of the signed statement of change with the
5 commission within thirty days after its signing.

6 (4) Any person violating any of the provisions of this section shall
7 be guilty of a Class III misdemeanor.

8 Sec. 4. (1) In addition to any right otherwise to revoke an offer,
9 to rescind a transaction, or to exercise any remedy for a lobbyist's
10 breach, a principal may cancel a contract with a lobbyist until midnight
11 of the third business day after the lobbyist has presented a disclosure
12 statement to his or her principal in accordance with subsection (1) of
13 section 3 of this act.

14 (2) Notice of cancellation shall be by mail addressed to the
15 lobbyist and shall be considered given at the time mailed.

16 (3) Notice of cancellation by the principal need not take a
17 particular form and is sufficient if it indicates by any form of written
18 expression the intention of the principal not to be bound by a contract
19 with the lobbyist.

20 (4) Within ten days after a contract with a lobbyist has been
21 canceled pursuant to this section, the lobbyist shall cause any money
22 paid by the principal to be returned to the principal and shall take
23 appropriate action to reflect the termination of the contract.

24 (5) Failure of a lobbyist to comply with subsection (4) of this
25 section shall entitle the principal to recover any sums paid to the
26 lobbyist pursuant to the contract along with the actual damages,
27 including any incidental and consequential damages, sustained by the
28 principal by reason of the violation, together with the costs of the
29 litigation, including reasonable attorney's fees.

30 Sec. 5. Original sections 49-1401 and 49-1402, Reissue Revised
31 Statutes of Nebraska, are repealed.