



MEMORANDUM

TO: University of Nebraska Employees

FROM: James P. Pottorff, Vice President and General Counsel
Heath Mello, Vice President for External Relations 

DATE: March 23, 2021

RE: Guidance on Providing Campus Gifts to State Officials

With various state appointed and elected officials regularly interacting with University of Nebraska campuses across the state, it has been commonplace over the years to provide small campus-specific gifts to visiting dignitaries. When providing these gifts, the University of Nebraska, a registered principal with the Nebraska Accountability and Disclosure Commission, must comply with the requirements of the Nebraska Political Accountability and Disclosure Act (“Act”) and the applicable rules and regulations – Title 4, Nebraska Administrative Code, Chapter 6 (“Rule 6”).¹

The Act prohibits principals such as the University of Nebraska from giving any gifts with an aggregate value of more than \$50 within one calendar month to an official or member of the official's staff in the executive or legislative branch of the state government or to a member of the official's immediate family.

The Act defines a gift as “a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value unless consideration of equal or greater value is given therefor.” The Act provides certain exclusions to the definition of a gift. For example, a gift does not include a breakfast, luncheon, dinner, or other refreshments consisting of food and drink that is for immediate consumption or the occasional provision of transportation within the state. Additionally, Rule 6 states:

The lobbyist or a representative of the lobbyist or a principal must be present on the immediate premises at the time expenditures are incurred for food and drink for a public official, a member of his or her immediate family, or a member of the official’s staff. If such an individual is not present, such furnishing of food and drink shall constitute evidence of a violation of Section 49-1490, if the amount thereof exceeds \$50, along with other gifts in a calendar month.

¹ For more information, see the Nebraska Political Accountability and Disclosure Act, Neb. Rev. Stat. §§ 49-14-101 to 49-14,142 available at <https://www.nadc.nebraska.gov/pdf/political-accountability-disclosure-act.pdf> and Title 4, Nebraska Administrative Code, Chapter 6: Rules and Regulations for Lobbying available at https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Accountability_and_Disclosure_Commission/Title-4/Chapter-06.pdf

The \$50 monthly gift limit applies to the University of Nebraska as one entity and includes all four campuses. The gift limit does not apply, however, when the University, including any campus, gives admission to a state-owned facility or state-sponsored industry or event regardless of value. The University of Nebraska must report these admissions in a quarterly report to the Clerk of the Legislature, along with other expenses such as entertainment, including expenses for food and drink and gifts provided to members of the Legislature and officials in the executive branch of the state.

Prior to providing any gifts, whether campus specific or non-campus related, and prior to visiting state officials, please feel free to contact the University's registered lobbyist, Heath Mello, or your campus legislative liaison:

John Falconer – University of Nebraska at Kearney
Michelle Waite – University of Nebraska-Lincoln
Bob Bartee – University of Nebraska Medical Center
Victoria Kohout – University of Nebraska at Omaha

Please feel free to address any questions about these requirements to the Office of the Vice President for External Relations or to the Office of the Vice President and General Counsel.