

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1037

Introduced by Baker, 30.

Read first time January 17, 2018

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to political accountability and disclosure; to
- 2 amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to
- 3 change actions required to be taken by an elected office holder of
- 4 certain cities or villages or a school district relating to a
- 5 potential conflict of interest; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1499.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 49-1499.03 (1)(a) An official of a political subdivision designated
4 in section 49-1493 who would be required to take any action or make any
5 decision in the discharge of his or her official duties that may cause
6 financial benefit or detriment to him or her, a member of his or her
7 immediate family, or a business with which he or she is associated, which
8 is distinguishable from the effects of such action on the public
9 generally or a broad segment of the public, shall take the following
10 actions as soon as he or she is aware of such potential conflict or
11 should reasonably be aware of such potential conflict, whichever is
12 sooner:

13 (i) Prepare a written statement describing the matter requiring
14 action or decision and the nature of the potential conflict; and

15 (ii) Deliver a copy of the statement to the commission and to the
16 person in charge of keeping records for the political subdivision who
17 shall enter the statement onto the public records of the subdivision.

18 (b) The official shall take such action as the commission shall
19 advise or prescribe to remove himself or herself from influence over the
20 action or decision on the matter.

21 (c) This subsection does not prevent such a person from making or
22 participating in the making of a governmental decision to the extent that
23 the individual's participation is legally required for the action or
24 decision to be made. A person acting pursuant to this subdivision shall
25 report the occurrence to the commission.

26 (2)(a) Any person holding an elective office of a city or village
27 not designated in section 49-1493 and any person holding an elective
28 office of a school district who would be required to take any action or
29 make any decision in the discharge of his or her official duties that may
30 cause financial benefit or detriment to him or her, a member of his or
31 her immediate family, or a business with which he or she is associated,

1 which is distinguishable from the effects of such action on the public
2 generally or a broad segment of the public, shall take the following
3 actions as soon as he or she is aware of such potential conflict or
4 should reasonably be aware of such potential conflict, whichever is
5 sooner:

6 (i) Prepare a written statement describing the matter requiring
7 action or decision and the nature of the potential conflict;

8 (ii) Deliver a copy of the statement to the person in charge of
9 keeping records for the city, village, or school district who shall enter
10 the statement onto the public records of the city, village, or school
11 district; and

12 (iii) Abstain from participating or voting on the matter in which
13 the person holding elective office has a conflict of interest.

14 (b) The person holding elective office may apply to the commission
15 for an opinion as to whether the person has a conflict of interest.

16 (c) This subsection does not prevent such a person from voting or
17 making or participating in the making of a governmental decision:

18 (i) To the extent that individual's vote or participation is legally
19 required for the action or decision to be made; or

20 (ii) If the potential conflict of interest is based on a business
21 association and (A) such business association is an association of cities
22 and villages or school districts, (B) the city or village or school
23 district is a member of such association, and (C) the business
24 association exists only as the result of such person holding such
25 elective office. A person acting pursuant to this subdivision shall
26 report the occurrence as provided in subdivision (a) of this subsection.

27 (3) Matters involving an interest in a contract are governed either
28 by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to
29 49-14,103.06. Matters involving the hiring of an immediate family member
30 are governed by section 49-1499.04. Matters involving nepotism or the
31 supervision of a family member by an official or employee in the

1 executive branch of state government are governed by section 49-1499.07.

2 Sec. 2. Original section 49-1499.03, Reissue Revised Statutes of

3 Nebraska, is repealed.