

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1078

Introduced by Pansing Brooks, 28.

Read first time January 20, 2016

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Political Accountability and
- 2 Disclosure Act; to amend section 49-1499.03, Reissue Revised
- 3 Statutes of Nebraska; to change provisions relating to conflict of
- 4 interest statements; and to repeal the original section.
- 5 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) Except as otherwise provided in subsection (3) of this
27 section, any Any person holding an elective office of a city or village
28 not designated in section 49-1493 and any person holding an elective
29 office of a school district or an educational service unit who would be
30 required to take any action or make any decision in the discharge of his
31 or her official duties that may cause financial benefit or detriment to

1 him or her, a member of his or her immediate family, or a business with
2 which he or she is associated, which is distinguishable from the effects
3 of such action on the public generally or a broad segment of the public,
4 shall take the following actions as soon as he or she is aware of such
5 potential conflict or should reasonably be aware of such potential
6 conflict, whichever is sooner:

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

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

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

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

17 (3) If a person holding an elective office of a school district or
18 an educational service unit is the designated representative of the
19 school district or educational service unit to a business and serves as a
20 director or officer on its board as described in section 49-1408, the
21 person may deliver a written statement describing the business
22 association to the person in charge of keeping records for the school
23 district or educational service unit who shall enter the statement onto
24 the public records of the school district or educational service unit.
25 The officeholder may participate and vote on any matter for which the
26 written statement explains any potential conflict of interest due to the
27 business association without submitting any further written statement.

28 (4 ~~3~~) Matters involving an interest in a contract are governed
29 either by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to
30 49-14,103.06. Matters involving the hiring of an immediate family member
31 are governed by section 49-1499.04. Matters involving nepotism or the

1 supervision of a family member by an official or employee in the
2 executive branch of state government are governed by section 49-1499.07.

3 Sec. 2. Original section 49-1499.03, Reissue Revised Statutes of
4 Nebraska, is repealed.