

One Hundred Second Legislature - Second Session - 2012

Introducer's Statement of Intent

LB786

Chairperson: Senator Amanda McGill

Committee: Urban Affairs

Date of Hearing: January 17, 2012

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 786 would clarify the law regarding forfeiture of office for conviction of a crime in cities that have adopted a city manager form of government and to apply the same standard for these council members that applies to all other elected officials in the state. Section 19-613 currently provides that a member of the council in a city with a city manager form of government who has been "convicted of a crime" while in office shall forfeit the office. The term crime is not defined. LB 786 amends Section 19-613 to clarify that a council member forfeits the office if convicted of a "felony or of any public offense involving the oath of office of the incumbent."

The new language in LB 786 is taken from Section 32-560 that applies to "every elective office." Section 32-560 provides that every "elective office shall be vacant . . . upon the happening of any one of the following events at any time before the expiration of the term of such office: . . . (9) Conviction of a felony or of any public offense involving the violation of the oath of office of the incumbent."

Therefore LB 786 clarifies the standard by which a city council member in a city manager city forfeits the office because of conviction of a crime and adopts the standard that applies to all other elected officials in the state.

Although this bill addresses an immediate concern about the statutes regarding cities with city manager forms of government, it raises the issue regarding which crimes should cause an elected official to forfeit the elected office. This is an issue that deserves further examination through an interim study and a potential bill in the following Legislative Session.

Principal Introducer: _____

Senator Mark Christensen