

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 859

Introduced by Linehan, 39.

Read first time January 03, 2024

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 requirements for certain persons
4 holding elective office relating to potential conflicts of interest;
5 to provide an exception; to harmonize provisions; and to repeal the
6 original section.

7 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 any political
27 subdivision ~~a city or village~~ not designated in section 49-1493 ~~and any~~
28 ~~person holding an elective office of a school district~~ who would be
29 required to take any action or make any decision in the discharge of his
30 or her official duties that may cause financial benefit or detriment to
31 him or her, a member of his or her immediate family, or a business with

1 which he or she is associated, which is distinguishable from the effects
2 of such action on the public generally or a broad segment of the public,
3 shall take the following actions as soon as he or she is aware of such
4 potential conflict or should reasonably be aware of such potential
5 conflict, whichever is 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 political subdivision ~~city, village, or school~~
10 ~~district~~ who shall enter the statement onto the public records of the
11 political subdivision ~~city, village, or school district~~; and

12 (iii) Except as otherwise provided in subsection (3) of this
13 section, abstain from participating or voting on the matter in which the
14 person holding elective office has a 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)(a) This section does not prevent a person holding an elective
18 office of any political subdivision ~~city, village, or school district~~
19 from making or participating in the making of a governmental decision:

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

22 (ii) If the potential conflict of interest is based on a business
23 association and (A) such business association is an association of such
24 political subdivisions ~~cities and villages or school districts~~, (B) the
25 political subdivision ~~city, village, or school district~~ is a member of
26 such association, and (C) the business association exists only as the
27 result of such person holding elective office.

28 (b) A person holding elective office of any city subject to
29 subsection (1) of this section who is acting pursuant to this subsection
30 shall report the occurrence as provided in subdivisions (1)(a)(i) and
31 (ii) of this section.

1 (c) A person subject to subsection (2) of this section who is acting
2 pursuant to this subsection shall report the occurrence as provided in
3 subdivisions (2)(a)(i) and (ii) of this section.

4 (4) Matters involving an interest in a contract are governed either
5 by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to
6 49-14,103.06. Matters involving the hiring of an immediate family member
7 are governed by section 49-1499.04. Matters involving nepotism or the
8 supervision of a family member by an official or employee in the
9 executive branch of state government are governed by section 49-1499.07.

10 (5) This section does not apply to a sanitary and improvement
11 district.

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