

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 302

Introduced by Linehan, 39.

Read first time January 11, 2023

Committee:

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 offices and to provide requirements for public
5 employees relating to potential conflicts of interest; to harmonize
6 provisions; and to repeal the 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 cities
24 and villages or school districts, (B) the city, village, or school
25 district is a member of such association, and (C) the business
26 association exists only as the result of such person holding elective
27 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)(a) Any public employee except as otherwise governed under
5 section 49-1499.02 who would be required to take any action or make any
6 decision in the discharge of his or her official duties that may cause
7 financial benefit or detriment to him or her, a member of his or her
8 immediate family, or a business with which he or she is associated, which
9 is distinguishable from the effects of such action on the public
10 generally or a broad segment of the public, shall take the following
11 actions as soon as he or she is aware of such potential conflict or
12 should reasonably be aware of such potential conflict, whichever is
13 sooner:

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

16 (ii) Deliver a copy of the statement to the person in charge of
17 keeping records for the government body who shall enter the statement
18 onto the public records of the government body; and

19 (iii) Except as otherwise provided in subdivision (4)(c) of this
20 section, abstain from participating in the matter in which the employee
21 has a conflict of interest.

22 (b) An employee described in subdivision (4)(a) of this section may
23 apply to the commission for an opinion as to whether he or she has a
24 conflict of interest.

25 (c) This subsection does not prevent an employee described in
26 subdivision (4)(a) of this section from making or participating in the
27 making of a governmental decision to the extent that the employee's
28 participation is legally required for the action or decision to be made.
29 An employee who is acting pursuant to this subdivision shall report the
30 occurrence as provided in subdivisions (4)(a)(i) and (ii) of this
31 section.

1 (5) ~~(4)~~ Matters involving an interest in a contract are governed
2 either by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to
3 49-14,103.06. Matters involving the hiring of an immediate family member
4 are governed by section 49-1499.04. Matters involving nepotism or the
5 supervision of a family member by an official or employee in the
6 executive branch of state government are governed by section 49-1499.07.

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