

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 995

Introduced by Linehan, 39.

Read first time January 11, 2018

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, and section 49-1493, Revised Statutes
4 Cumulative Supplement, 2016; to provide requirements for candidates
5 for and holders of elective offices in school districts; to
6 harmonize provisions; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1493, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 49-1493 The individuals listed in subdivisions (1) through (14) ~~(13)~~
4 of this section shall file with the commission a statement of financial
5 interests as provided in sections 49-1496 and 49-1497 for the preceding
6 calendar year on or before March 1 of each year in which such individual
7 holds such a position. An individual who leaves office shall, within
8 thirty days after leaving office, file a statement covering the period
9 since the previous statement was filed. Disclosure of the interest named
10 in sections 49-1496 to 49-1498 shall be made by:

11 (1) An individual holding a state executive office as provided in
12 Article IV of the Constitution of Nebraska, including the Governor,
13 Lieutenant Governor, Secretary of State, Auditor of Public Accounts,
14 State Treasurer, Attorney General, Tax Commissioner, and heads of such
15 other executive departments as set forth in the Constitution or as may be
16 established by law;

17 (2) An individual holding the office of Commissioner of Education,
18 member of the State Board of Education, member of the Board of Regents of
19 the University of Nebraska with the exception of student members, or
20 member of the Coordinating Commission for Postsecondary Education;

21 (3) A member of the Board of Parole;

22 (4) A member of the Public Service Commission;

23 (5) A member of the Legislature;

24 (6) A member of the board of directors or an officer of a district
25 organized under the provisions of Chapter 70;

26 (7) A member of any board or commission of the state or any county
27 which examines or licenses a business or which determines rates for or
28 otherwise regulates a business;

29 (8) A member of a land-use planning commission, zoning commission,
30 or authority of the state or any county with a population of more than
31 one hundred thousand inhabitants;

1 (9) An elected official of a city of the primary or metropolitan
2 class;

3 (10) An elected county official;

4 ~~(11) An individual holding an elective office of a school district;~~

5 ~~(12) (11)~~ A member of the Nebraska Environmental Trust Board;

6 ~~(13) (12)~~ An individual employed at the University of Nebraska-
7 Lincoln in the position of Head Football Coach, Men's Basketball Coach,
8 or Women's Basketball Coach; and

9 ~~(14) (13)~~ An official or employee of the state designated by rules
10 and regulations of the commission who is responsible for taking or
11 recommending official action of a nonministerial nature with regard to:

12 (a) Contracting or procurement;

13 (b) Administering or monitoring grants or subsidies;

14 (c) Land-use planning or zoning;

15 (d) Inspecting, licensing, regulating, or auditing any person; or

16 (e) Any similar action.

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

19 49-1499.03 (1)(a) An official of a political subdivision designated
20 in section 49-1493 who would be required to take any action or make any
21 decision in the discharge of his or her official duties that may cause
22 financial benefit or detriment to him or her, a member of his or her
23 immediate family, or a business with which he or she is associated, which
24 is distinguishable from the effects of such action on the public
25 generally or a broad segment of the public, shall take the following
26 actions as soon as he or she is aware of such potential conflict or
27 should reasonably be aware of such potential conflict, whichever is
28 sooner:

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

31 (ii) Deliver a copy of the statement to the commission and to the

1 person in charge of keeping records for the political subdivision who
2 shall enter the statement onto the public records of the subdivision.

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

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

11 (2)(a) Any person holding an elective office of a city or village
12 not designated in subdivision (9) of section 49-1493 and ~~any person~~
13 ~~holding an elective office of a school district~~ who would be required to
14 take any action or make any decision in the discharge of his or her
15 official duties that may cause financial benefit or detriment to him or
16 her, a member of his or her immediate family, or a business with which he
17 or she is associated, which is distinguishable from the effects of such
18 action on the public generally or a broad segment of the public, shall
19 take the following actions as soon as he or she is aware of such
20 potential conflict or should reasonably be aware of such potential
21 conflict, whichever is sooner:

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

24 (ii) Deliver a copy of the statement to the person in charge of
25 keeping records for the city, village, or school district who shall enter
26 the statement onto the public records of the city, village, or school
27 district; and

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

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

1 (3) Matters involving an interest in a contract are governed either
2 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. 3. Original section 49-1499.03, Reissue Revised Statutes of
8 Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement,
9 2016, are repealed.