

AMENDMENTS TO LB976

Introduced by Karpisek

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Sections 1 to 26 of this act shall be known  
4 and may be cited as the Redistricting Act.

5           Sec. 2. (1) It is the intent of the Legislature to  
6 recognize that decennial redistricting is a significant part of the  
7 legislative and political process and must be administered in an  
8 equitable and transparent manner to ensure citizen confidence in  
9 government.

10          (2) It is the intent of the Legislature to create and  
11 approve districts that have an equal distribution of population, as  
12 directed by Article I, section 2, of the Constitution of the United  
13 States and the Constitution of Nebraska. It is the responsibility  
14 of the Legislature to ensure that districts are composed of compact  
15 and contiguous territory, to protect the existing boundaries of  
16 counties, political subdivisions, core communities, and communities  
17 of interest when practicable, to place precincts wholly within  
18 a single legislative district and to place legislative districts  
19 wholly within a single congressional district when practicable, and  
20 to ensure that no single district dilutes, augments, fractures, or  
21 packs any voting majority or minority based on race or language.

22          (3) It is the intent of the Legislature to create the  
23 Independent Redistricting Advisory Commission for the purpose of

1 assisting the Legislature in the process of redistricting in 2021  
2 and thereafter.

3           Sec. 3. For purposes of the Redistricting Act, the  
4 definitions in sections 4 to 15 of this act apply.

5           Sec. 4. Census data means the adopted official population  
6 figures and maps from the Census Redistricting (Public Law 94-171)  
7 TIGER/Line Shapefiles for the most recent federal census published  
8 by the United States Department of Commerce, Bureau of the Census,  
9 or the most recent official population figures and maps published  
10 by the Bureau of the Census for the most recent federal census.

11           Sec. 5. Commission means the Independent Redistricting  
12 Advisory Commission.

13           Sec. 6. Director means the Director of Research of the  
14 office of Legislative Research or his or her designee.

15           Sec. 7. District means any United States House of  
16 Representatives district, legislative district, State Board of  
17 Education district, University of Nebraska Board of Regents  
18 district, Supreme Court judicial district, or Public Service  
19 Commission district.

20           Sec. 8. Executive board means the Executive Board of the  
21 Legislative Council.

22           Sec. 9. Federal census means the decennial census  
23 required by federal law to be conducted by the United States  
24 Department of Commerce, Bureau of the Census, in every year ending  
25 in zero.

26           Sec. 10. Political party office means an elective office  
27 in the national or state organization of a political party.

1           Sec. 11. Public officeholder means a person holding an  
2 office of this state or a county, city, village, or other political  
3 subdivision of this state which is filled by an election process  
4 involving nomination and election of candidates.

5           Sec. 12. Redistricting means dividing the State of  
6 Nebraska into districts by designating boundary lines based on  
7 population through legislative action.

8           Sec. 13. Registered lobbyist means an individual required  
9 to register with the Clerk of the Legislature under section  
10 49-1483.

11           Sec. 14. Relative means an individual who is related to  
12 the person in question as father, mother, son, daughter, brother,  
13 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,  
14 grandfather, grandmother, father-in-law, mother-in-law, son-in-law,  
15 daughter-in-law, brother-in-law, sister-in-law, stepfather,  
16 stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
17 brother, or half sister.

18           Sec. 15. Target population means the number derived by  
19 dividing the total population of the state by the number of single  
20 member districts to be created.

21           Sec. 16. (1) In preparation for drawing new district  
22 boundaries on the basis of census data, the director shall  
23 acquire and maintain temporary and permanent equipment, materials,  
24 supplies, facilities, software, and staff as necessary to assist  
25 the commission in the development of programs and procedures.  
26 The director shall create and maintain a web site, in accordance  
27 with state requirements, which shall include, but not be limited

1 to, information regarding members of the commission, census data  
2 for Nebraska, state redistricting history, relevant maps, schedule  
3 for public comment, and statutory redistricting authority. The  
4 Legislature shall appropriate funds to the office of Legislative  
5 Research to be spent for the purchase or lease of temporary or  
6 permanent equipment, materials, supplies, facilities, software, or  
7 staff for the explicit purpose of carrying out the Redistricting  
8 Act only and with prior approval of the executive board.

9       (2) The director shall act as a liaison between the  
10 commission, the Legislature, the executive board, and the Secretary  
11 of State.

12       (3) As soon as possible after January 1 of each year  
13 ending in one, the director shall obtain from the United States  
14 Department of Commerce, Bureau of the Census, the census data  
15 needed for redistricting which the bureau is required to provide  
16 to this state and shall use the census data to assign a target  
17 population to each district based upon the census data.

18       (4) Upon delivery by the director to the executive board  
19 of the six bills embodying redistricting plans for the districts  
20 pursuant to section 26 of this act, the director shall, at the  
21 earliest possible time, make available to the public the following  
22 information:

23       (a) Copies of each of the six legislative bills approved  
24 by the commission;

25       (b) Copies of maps illustrating each of the six  
26 legislative bills approved by the commission; and

27       (c) Copies of the target population and total population

1 of each district included in each of the six legislative bills and  
2 the relative deviation of the population of each district from the  
3 target population for the district.

4       Sec. 17. Not later than January 30 of each year ending  
5 in one, the Independent Redistricting Advisory Commission shall  
6 be established as provided by the Redistricting Act. Each of the  
7 three legislative caucuses shall certify to the Secretary of State  
8 and the Speaker of the Legislature the appointment of two persons  
9 selected as provided in this section to serve on the commission.  
10 The members of each legislative caucus who are affiliated with  
11 the political party polling the highest number of votes at the  
12 last general election for Governor shall select one person who  
13 is a resident of the area represented by the members of the  
14 caucus and who is affiliated with such party to serve on the  
15 commission, except that if there are no members of a legislative  
16 caucus who are affiliated with such political party, the members of  
17 the Legislature who are affiliated with such political party shall  
18 select one person who is a resident of the area represented by the  
19 members of the caucus and who is affiliated with such party to  
20 serve on the commission for that legislative caucus. The members of  
21 each legislative caucus who are affiliated with the political party  
22 polling the second highest number of votes at the last general  
23 election for Governor shall select one person who is a resident  
24 of the area represented by the members of the caucus and who is  
25 affiliated with such party to serve on the commission, except that  
26 if there are no members of a legislative caucus who are affiliated  
27 with such political party, the members of the Legislature who are

1 affiliated with such political party shall select one person who  
2 is a resident of the area represented by the members of the caucus  
3 and who is affiliated with such party to serve on the commission  
4 for that legislative caucus. In addition to the six members  
5 selected pursuant to this section, a chairperson shall be selected  
6 pursuant to section 22 of this act. The commission's only functions  
7 shall be those prescribed by the act. The commission shall be  
8 reconstituted if the Governor or Legislature, as authorized by  
9 Article IV, section 8, of the Constitution of Nebraska, calls  
10 for a special session of the Legislature on any redistricting  
11 plan or in the event of a successful legal challenge to any  
12 part of any redistricting plan for the purpose of reformulating  
13 the challenged redistricting plan. The members of the commission  
14 shall be reimbursed for per diem, travel, and actual expenditures  
15 as authorized under sections 81-1174 to 81-1177. The commission  
16 shall receive necessary equipment, materials, supplies, facilities,  
17 software, and staff from the office of Legislative Research.

18           Sec. 18. The Redistricting Fund is created. The  
19 Legislature shall appropriate, from the General Fund, an amount  
20 prescribed by the executive board to the Redistricting Fund for  
21 temporary or permanent equipment, materials, supplies, facilities,  
22 software, and staff for the office of Legislative Research for  
23 purposes of assisting the commission and for per diems and travel  
24 and actual expenses of the members of the commission. Any money in  
25 the fund following the termination of the commission shall revert  
26 to the General Fund. Any money in the Redistricting Fund available  
27 for investment shall be invested by the state investment officer

1 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
2 State Funds Investment Act.

3           Sec. 19. The commission shall cease to exist and suspend  
4 all official action following the final legislative approval and  
5 Governor's signature, or judicial approval if applicable, on all  
6 six redistricting plans. Following such suspension, the director  
7 shall prepare and submit electronically a detailed report and  
8 financial statement to the Legislature disclosing all expenditures  
9 made by the office of Legislative Research on behalf of the  
10 commission. The director shall transmit original copies of all  
11 information developed by the commission pursuant to carrying out  
12 its duties under the Redistricting Act to the Secretary of State,  
13 including maps, census data collected, meetings of minutes, written  
14 communications, digital or electronic video, tapes, emails, and  
15 other information of similar nature. The Secretary of State shall  
16 be the custodian for the permanent preservation of such information  
17 which shall constitute the official record.

18           Sec. 20. To be eligible to serve on the commission, a  
19 person shall:

20           (1) Be a Nebraska resident;

21           (2) Be a registered voter who, at the time of  
22 appointment, has not changed political party affiliation within the  
23 previous twenty-four months;

24           (3) Not be a registered lobbyist and, at the time  
25 of appointment, not have been a registered lobbyist within the  
26 previous twelve months;

27           (4) Not be a public officeholder in Nebraska nor a

1 political party officeholder in Nebraska or the United States;

2 (5) Not be a relative of or employed by (a) a member of  
3 the United States Congress or the Legislature, (b) a constitutional  
4 officer, or (c) a person employed by the University of Nebraska;  
5 and

6 (6) Not be employed by the University of Nebraska.

7 Sec. 21. No member of the commission shall, while a  
8 member of the commission, hold or campaign to be elected to a  
9 position in the United States Congress, Legislature, Public Service  
10 Commission, Supreme Court, State Board of Education, or Board of  
11 Regents of the University of Nebraska.

12 Sec. 22. (1) Each legislative caucus shall place each  
13 person selected by or for the caucus up for approval by the  
14 Legislature. The Legislature shall vote on each person separately.  
15 If an appointment is not approved, the legislative caucus shall  
16 select another person in the manner provided in section 17 of this  
17 act for approval by the Legislature.

18 (2) Prior to legislative approval, each member of the  
19 commission shall file a statement of financial interests with  
20 the Nebraska Accountability and Disclosure Commission pursuant to  
21 sections 49-1493 to 49-14,104 and shall be subject to section  
22 49-1499.03.

23 (3) Within ten days after the Legislature has approved  
24 the six members for the commission, the members shall by majority  
25 vote select a chairperson, who is not one of the six members  
26 approved by the Legislature, and report such selection to the  
27 Secretary of State and the Speaker of the Legislature. The



1 chairperson shall not have voting rights with respect to decisions  
2 by the commission but shall otherwise have the same duties as  
3 other members of the commission. The chairperson shall have the  
4 same qualifications as other members of the commission except for  
5 requirements as to political party affiliation.

6 (4) Four voting members shall constitute a quorum for  
7 decisions by the commission. The commission shall meet at the  
8 call of the chairperson. All meetings shall be subject to the  
9 Open Meetings Act. The commission shall be subject to the Records  
10 Management Act.

11 (5) Any member of the commission who violates the  
12 Redistricting Act, who becomes ineligible for the office pursuant  
13 to section 20 of this act, who changes his or her political party  
14 affiliation, or who has a known or discovered conflict of interest  
15 may be removed by a majority vote of the Legislature.

16 (6) Any vacancy on the commission shall be filled in the  
17 manner provided in section 17 of this act by the legislative caucus  
18 which selected the member whose position is vacant within five  
19 legislative days after the vacancy occurs, and such replacement  
20 member shall hold the same political party affiliation as the  
21 member whose position is vacant.

22 Sec. 23. (1) The commission shall review redistricting  
23 guidelines used by the Legislature in the previous year ending  
24 in one and any subsequent controlling United States Supreme  
25 Court legal opinions. The commission shall adopt substantive and  
26 procedural guidelines, consistent with the Redistricting Act, that  
27 will guide the commission's redistricting process. During the

1 legislative session of each year ending in one, the substantive  
2 guidelines adopted by the commission shall be presented to the  
3 Legislature. The commission shall, at the earliest feasible time,  
4 make available to the public the guidelines prepared under this  
5 section.

6 (2) Prior to delivering any redistricting plan and the  
7 corresponding legislative bill, maps, and census data to the  
8 executive board in accordance with the Redistricting Act, the  
9 office of Legislative Research shall not provide to persons outside  
10 the office any information regarding any plan unless explicitly  
11 approved by the commission. This prohibition does not apply to  
12 census data.

13 (3) Upon delivery by the director to the executive  
14 board of a bill embodying the first plan for each district,  
15 as required by the act, the commission shall, not later than  
16 April 1 of the year ending in one, properly provide notice  
17 and schedule and conduct at least four public hearings in  
18 different geographic regions of the state on each of the six  
19 redistricting plans embodied in the bills delivered to the  
20 Legislature. Following completion of all hearings, the commission  
21 shall promptly prepare and submit electronically to the executive  
22 board a report summarizing information and testimony received by  
23 the commission in the course of the hearings. The commission's  
24 report shall include any written or oral public comments and  
25 conclusions which the members of the commission deem appropriate on  
26 the information and testimony received at the hearings or otherwise  
27 presented to the commission. The report shall be submitted no later

1 than fourteen calendar days after the date of the completion of the  
2 final hearing on all six redistricting bills. The commission shall  
3 formulate additional redistricting plans for respective districts,  
4 not to exceed four, as necessary by Legislative Resolution, and  
5 shall consider instructions provided therein.

6 (4) The commission shall include a written explanation  
7 with the delivery of any redistricting plan that varies from the  
8 first plan delivered to the executive board.

9 Sec. 24. (1) In the preparation of the redistricting  
10 plans, neither the director nor the commission shall consider  
11 political party affiliation of registered voters, previous election  
12 results, demographic data, other than population head counts,  
13 except as required by the constitution and laws of the United  
14 States, or other individual or group addresses, except that  
15 the director and the commission shall consider the addresses  
16 of incumbents for purposes of keeping incumbents within the  
17 boundaries of their districts when practicable. The director and  
18 commission shall prepare and approve boundaries that are compact  
19 and contiguous and protect the boundaries of existing county,  
20 city, and core communities, whenever practicable. The director and  
21 commission shall not draw district boundary lines to favor any one  
22 individual, group, political party, or incumbent officeholder and  
23 shall not have access to:

24 (a) Political party affiliations of registered voters;

25 (b) Previous elections results; or

26 (c) Demographic information, other than population head  
27 counts, except as required by the Constitution and laws of the

1 United States.

2 (2) The director and commission shall not draw any  
3 district boundary that dilutes, augments, fractures, or packs any  
4 voting majority or minority based on race or language.

5 Sec. 25. The following criteria shall be specifically  
6 applicable to the public bodies for which the Legislature will  
7 review and approve new district boundaries in years ending in one:

8 (1) United States House of Representatives:

9 (a) Three single-member districts;

10 (b) Population among districts shall be as nearly equal  
11 as practicable, that is, with an overall range of deviation at or  
12 approaching zero percent; and

13 (c) No plan will be considered which results in an  
14 overall range of deviation in excess of one percent or a relative  
15 deviation in excess of plus or minus one-half percent, based on  
16 the ideal district population. Any deviation from absolute equality  
17 of population must be necessary to the achievement of a legitimate  
18 state objective as that concept has been articulated by the United  
19 States Supreme Court.

20 To the extent that such objectives are relied on, they  
21 shall be applied consistently and shall include, but not be  
22 limited to, the creation of compact districts, the preservation  
23 of municipal boundaries, and the preservation of the cores of  
24 prior districts. If more than one plan is presented to the  
25 Legislature that will substantially vindicate such objectives,  
26 preference will be given to the plan that provides the greatest  
27 degree of population equality;

1           (2) Legislature:

2           (a) Forty-nine single-member districts;

3           (b) In establishing new legislative district boundaries,  
4 the Legislature shall create districts that are as nearly equal  
5 in population as may be. No plan will be considered which results  
6 in an overall range of deviation in excess of ten percent or a  
7 relative deviation in excess of plus or minus five percent, based  
8 on the target population;

9           (c) Any deviation in excess of the deviation set forth  
10 in subdivision (b) of this subdivision must be justifiable as  
11 necessary for the realization of a rational state policy as that  
12 concept has been articulated by the United States Supreme Court;  
13 and

14           (d) If the population of any county falls within  
15 the relative deviation set forth in subdivision (b) of this  
16 subdivision, the boundaries of that county shall define a  
17 legislative district;

18           (3) Supreme Court:

19           (a) Six single-member districts; and

20           (b) Equality of population shall be achieved in  
21 accordance with the standards established for redistricting the  
22 Legislature;

23           (4) Board of Regents of the University of Nebraska:

24           (a) Eight single-member districts; and

25           (b) Equality of population shall be achieved in  
26 accordance with the standards established for redistricting the  
27 Legislature;

1           (5) Public Service Commission:  
2           (a) Five-single member districts; and  
3           (b) Equality of population shall be achieved in  
4 accordance with the standards established for redistricting the  
5 Legislature; and

6           (6) State Board of Education:  
7           (a) Eight single-member districts; and  
8           (b) Equality of population shall be achieved in  
9 accordance with the standards established for redistricting the  
10 Legislature.

11           Sec. 26. (1) Not later than April 1 of each year ending  
12 in one, the director shall deliver to the executive board and the  
13 Clerk of the Legislature the six commission-approved legislative  
14 bills embodying a plan of redistricting and corresponding public  
15 hearing reports as prepared in accordance with the Redistricting  
16 Act. The reports shall be submitted electronically. Following  
17 at least four statewide public hearings on each of the six  
18 redistricting bills, the Legislature shall bring each bill to a  
19 vote expeditiously, but not less than three days after the bill  
20 and the report of the commission required in the act is received  
21 and made available to the members of the Legislature. There shall  
22 be no amendments to the redistricting bills, except amendments  
23 by the Enrollment and Review Committee of the Legislature. If  
24 the redistricting bills embodying the six plans submitted by the  
25 director fail to be approved by a majority of the Legislature, the  
26 Speaker of the Legislature shall, not more than three legislative  
27 days after failure to be approved, introduce a Legislative

1 Resolution detailing why the plan was not approved and transmit  
2 such to the director.

3 (2) If any of the legislative bills embodying the plans  
4 approved by the commission and submitted by the director under  
5 subsection (1) of this section fail to be enacted, the director  
6 shall prepare a bill embodying a second plan of redistricting for  
7 the bill or bills which failed. The bill or bills shall be prepared  
8 in accordance with the act and, insofar as it is possible to do  
9 so within the requirements of the act, with the reasons cited  
10 by the Speaker and Legislature by Legislative Resolution, or the  
11 Governor by veto message, for the failure to approve the plan. If a  
12 second plan is required under this subsection, the legislative bill  
13 embodying it shall be delivered to the executive board not later  
14 than ten calendar days after the date of the vote by which the  
15 Legislature fails to approve the bill submitted under subsection  
16 (1) of this section or the date the Governor vetoes or fails to  
17 approve the bill. If it is necessary to submit a bill under this  
18 subsection, the bill shall be brought to a vote not less than seven  
19 calendar days after the bill is submitted and made available to the  
20 members of the Legislature, under a procedure or rule permitting  
21 no amendments except amendments by the Enrollment and Review  
22 Committee. If the second bill embodying the plan submitted by the  
23 director fails to be approved by a majority of the Legislature, the  
24 Speaker shall at once, but in no event later than three legislative  
25 days after the date the bill failed to be approved, transmit to the  
26 director, by Legislative Resolution, reasons why the plan was not  
27 approved.

1           (3) If the bill embodying the plan approved by the  
2 commission and submitted by the director under subsection (2) of  
3 this section fails to be enacted, the director shall prepare a bill  
4 embodying a third plan of redistricting. The bill shall be prepared  
5 in accordance with the act and, insofar as it is possible to do so  
6 within the requirements of the act, with the reasons cited by the  
7 Speaker and Legislature by Legislative Resolution, or the Governor  
8 by veto message, for the failure to approve the plan. If a second  
9 plan is required under this subsection, the bill embodying it shall  
10 be delivered to the executive board not later than ten calendar  
11 days after the date of the vote by which the Legislature fails to  
12 approve the bill submitted under subsection (2) of this section  
13 or the date the Governor vetoes or fails to approve the bill.  
14 If it is necessary to submit a bill under this subsection, the  
15 bill shall be brought to a vote not less than seven calendar days  
16 after the bill is submitted and made available to the members of  
17 the Legislature under a procedure or rule permitting no amendments  
18 except amendments by the Enrollment and Review Committee. If the  
19 third bill embodying the plan submitted by the director fails to  
20 be approved by a majority of the Legislature, the Speaker shall  
21 at once, but in no event later than three legislative days after  
22 the date the bill failed to be approved, transmit to the director,  
23 by Legislative Resolution, regarding reasons why the plan was not  
24 approved.

25           (4) If the bill embodying the plan submitted by the  
26 director under subsection (3) of this section fails to be enacted,  
27 the director shall prepare a bill embodying a fourth and final plan



1 of redistricting. The bill shall be prepared in accordance with the  
2 act and, insofar as it is possible to do so within the requirements  
3 of the act, with the reasons cited by the Speaker and Legislature  
4 by Legislative Resolution, or the Governor by veto message, for the  
5 failure to approve the plan.

6 (5) Upon rejection of first three plans, all three  
7 plans and Legislative Resolutions explaining reasons each were  
8 unacceptable as well as the fourth corrective plan shall be  
9 transmitted to the Supreme Court for review. The Supreme Court  
10 shall make final selection of the four developed maps based on  
11 the criteria set forth in the act, corresponding Legislative  
12 Resolutions, guiding principles developed by the commission, the  
13 Constitution of Nebraska, and the Constitution of the United  
14 States. The findings of the Supreme Court shall be binding and  
15 final and shall not require Legislative approval nor the Governor's  
16 signature.

17 Sec. 27. Section 49-1493, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 49-1493 The individuals listed in subdivisions (1)  
20 through ~~(13)~~ (14) of this section shall file with the commission a  
21 statement of financial interests as provided in sections 49-1496  
22 and 49-1497 for the preceding calendar year on or before April  
23 1 of each year in which such individual holds such a position.  
24 An individual who leaves office shall, within thirty days after  
25 leaving office, file a statement covering the period since the  
26 previous statement was filed. Disclosure of the interest named in  
27 sections 49-1496 to 49-1498 shall be made by:

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

7           (2) An individual holding the office of Commissioner of  
8 Education, member of the State Board of Education, member of the  
9 Board of Regents of the University of Nebraska with the exception  
10 of student members, or member of the Coordinating Commission for  
11 Postsecondary Education;

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

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

14           (5) A member of the Legislature;

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

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

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

23           (9) An elected official of a city of the primary or  
24 metropolitan class;

25           (10) An elected county official;

26           (11) A member of the Nebraska Environmental Trust Board;

27           (12) An individual employed at the University of

1 Nebraska-Lincoln in the position of Head Football Coach, Men's  
2 Basketball Coach, or Women's Basketball Coach; ~~and~~

3 (13) An official or employee of the state designated by  
4 rules and regulations of the commission who is responsible for  
5 taking or recommending official action of a nonministerial nature  
6 with regard to:

7 (a) Contracting or procurement;

8 (b) Administering or monitoring grants or subsidies;

9 (c) Land-use planning or zoning;

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

12 (e) Any similar action; ~~and-~~

13 (14) A member of the Independent Redistricting Advisory  
14 Commission.

15 Sec. 28. Section 49-1499.03, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 49-1499.03 (1) (a) An official of a political subdivision  
18 designated in section 49-1493 who would be required to take any  
19 action or make any decision in the discharge of his or her official  
20 duties that may cause financial benefit or detriment to him or her,  
21 a member of his or her immediate family, or a business with which  
22 he or she is associated, which is distinguishable from the effects  
23 of such action on the public generally or a broad segment of the  
24 public, shall take the following actions as soon as he or she is  
25 aware of such potential conflict or should reasonably be aware of  
26 such potential conflict, whichever is sooner:

27 (i) Prepare a written statement describing the matter

1 requiring action or decision and the nature of the potential  
2 conflict; and

3 (ii) Deliver a copy of the statement to the commission  
4 and to the person in charge of keeping records for the political  
5 subdivision who shall enter the statement onto the public records  
6 of the subdivision.

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

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

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

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

4 (ii) Deliver a copy of the statement to the person  
5 in charge of keeping records for the city, village, ~~or~~ school  
6 district, or Independent Redistricting Advisory Commission who  
7 shall enter the statement onto the public records of the city,  
8 village, ~~or~~ school district, or Independent Redistricting Advisory  
9 Commission; and

10 (iii) Abstain from participating or voting on the matter  
11 in which the person holding elective office or appointive office  
12 has a conflict of interest.

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

16 (3) Matters involving an interest in a contract are  
17 governed either by sections 49-14,102 and 49-14,103 or by sections  
18 49-14,103.01 to 49-14,103.06. Matters involving the hiring of an  
19 immediate family member are governed by section 49-1499.04. Matters  
20 involving nepotism or the supervision of a family member by an  
21 official or employee in the executive branch of state government  
22 are governed by section 49-1499.07.

23 Sec. 29. If any section in this act or any part of any  
24 section is declared invalid or unconstitutional, the declaration  
25 shall not affect the validity or constitutionality of the remaining  
26 portions.

27 Sec. 30. Original sections 49-1493 and 49-1499.03,

AM2745  
LB976  
MMM-04/01/2014

AM2745  
LB976  
MMM-04/01/2014

- 1 Reissue Revised Statutes of Nebraska, are repealed.