

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 216**

Introduced by Harr, 8.

Read first time January 10, 2017

Committee: Executive Board

1 A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03,  
2 Reissue Revised Statutes of Nebraska, and section 49-1493, Revised  
3 Statutes Cumulative Supplement, 2016; to adopt the Redistricting  
4 Act; to require statements of financial interest and conflict of  
5 interest statements as prescribed; to harmonize provisions; to  
6 provide severability; and to repeal the original sections.

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

1           Section 1. Sections 1 to 31 of this act shall be known and may be  
2 cited as the Redistricting Act.

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

7           (2) It is the intent of the Legislature to create and approve  
8 districts that have an equal distribution of population, as directed by  
9 Article I, section 2, of the Constitution of the United States and the  
10 Constitution of Nebraska. It is the responsibility of the Legislature to  
11 ensure that districts are composed of compact and contiguous territory,  
12 to protect the existing boundaries of counties, political subdivisions,  
13 core communities, and communities of interest when practicable, to place  
14 precincts wholly within a single legislative district and to place  
15 legislative districts wholly within a single congressional district when  
16 practicable, and to ensure that the drawing of the boundaries of a single  
17 district does not result in cracking, packing, or otherwise diluting the  
18 voting rights of any voting majority or minority based on race or  
19 language.

20           (3) It is the intent of the Legislature to create the Independent  
21 Redistricting Citizen's Advisory Commission for the purpose of assisting  
22 the Legislature in the process of redistricting in 2021 and thereafter.

23           Sec. 3. Nothing in the Redistricting Act shall be construed or  
24 understood as altering the rules or procedures of the Legislature that  
25 apply after any bill, including a bill developed and introduced pursuant  
26 to the Redistricting Act, has been placed on General File.

27           Sec. 4. For purposes of the Redistricting Act, the definitions in  
28 sections 5 to 20 of this act apply.

29           Sec. 5. Census data means the adopted official population figures  
30 and maps from the Census Redistricting (Public Law 94-171) TIGER/Line  
31 Shapefiles for the most recent federal census published by the United

1 States Department of Commerce, Bureau of the Census, or the most recent  
2 official population figures and maps published by the Bureau of the  
3 Census for the most recent federal census.

4       Sec. 6. Commission means the Independent Redistricting Citizen's  
5 Advisory Commission.

6       Sec. 7. Constitutional officer means any individual elected or  
7 appointed to an office enumerated in Article III, section 5, Article IV,  
8 section 1 or 20, or Article VII, section 3, 10, or 13, of the  
9 Constitution of Nebraska during his or her term of office.

10       Sec. 8. County apportionment formula means dividing the population  
11 of the county by the ideal district population, dropping the remainder,  
12 and the whole number is the number of districts entirely contained within  
13 the county.

14       Sec. 9. Cracking means dividing the electoral strength of a  
15 particular group by a redistricting plan.

16       Sec. 10. Director means the Director of Research of the office of  
17 Legislative Research or his or her designee.

18       Sec. 11. District means any United States House of Representatives  
19 district, legislative district, Supreme Court judicial district,  
20 University of Nebraska Board of Regents district, Public Service  
21 Commission district, or State Board of Education district.

22       Sec. 12. Federal census means the decennial census required by  
23 federal law to be conducted by the United States Department of Commerce,  
24 Bureau of the Census, in every year ending in zero.

25       Sec. 13. Ideal district population means the population of the  
26 State of Nebraska divided by the total number of districts.

27       Sec. 14. Legislative caucus means a group of legislative districts  
28 from which members are elected to the Executive Board of the Legislative  
29 Council as designated in subsection (1) of section 50-401.01.

30       Sec. 15. Packing means consolidating one group as a supermajority  
31 in a relatively small number of districts resulting in a reduction of the

1 group's electoral influence in surrounding districts.

2       Sec. 16. Political party office means an elective office in the  
3 national or state organization of a political party.

4       Sec. 17. Public officeholder means a person holding an office of  
5 this state or a county, city, village, or other political subdivision of  
6 this state which is filled by an election process involving the  
7 nomination and election of candidates.

8       Sec. 18. Redistricting means dividing the State of Nebraska into  
9 districts by designating boundary lines based on population through  
10 legislative action.

11       Sec. 19. Registered lobbyist means an individual required to  
12 register with the Clerk of the Legislature under section 49-1483.

13       Sec. 20. Relative means an individual who is related to the person  
14 in question as father, mother, son, daughter, brother, sister, uncle,  
15 aunt, first cousin, nephew, niece, husband, wife, grandfather,  
16 grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
17 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
18 stepdaughter, stepbrother, stepsister, half brother, or half sister.

19       Sec. 21. (1) In preparation for drawing new district boundaries on  
20 the basis of census data, the director shall acquire and maintain  
21 temporary and permanent equipment, materials, supplies, facilities,  
22 software, and staff as necessary to assist the commission in the  
23 development of programs and procedures. The director shall create and  
24 maintain a web site, in accordance with state requirements, which shall  
25 include, but not be limited to, information regarding members of the  
26 commission, census data for Nebraska, state redistricting history,  
27 relevant maps, a schedule for public comment, and statutory redistricting  
28 authority. The Legislature shall appropriate funds to the office of  
29 Legislative Research to be spent for the purchase or lease of temporary  
30 or permanent equipment, materials, supplies, facilities, software, or  
31 staff for the explicit purpose of carrying out the Redistricting Act only

1 and with the prior approval of the Executive Board of the Legislative  
2 Council.

3 (2) The director shall act as a liaison between the commission, the  
4 Secretary of State, and the Legislature.

5 (3) As soon as possible after January 1 of each year ending in one,  
6 the director shall (a) obtain from the United States Department of  
7 Commerce, Bureau of the Census, the census data needed for redistricting  
8 which the bureau is required to provide to this state, (b) use the census  
9 data to assign an ideal district population to each type of district  
10 based upon the census data, and (c) develop base maps for the commission  
11 to use in developing redistricting plans.

12 (4) Upon delivery by the director of the redistricting plans  
13 pursuant to section 31 of this act, the director shall, at the earliest  
14 possible time, make available to the public the following information:

15 (a) Copies of the redistricting plan adopted by the commission for  
16 each of the six public bodies enumerated in section 30 of this act;

17 (b) Copies of maps illustrating each of the six redistricting plans  
18 adopted by the commission;

19 (c) Copies of the ideal district population and total population of  
20 each district included in each of the six redistricting plans and the  
21 relative deviation of the population of each district from the ideal  
22 district population for the district; and

23 (d) Copies of the county apportionment formula and the number of  
24 districts entirely contained within each county.

25 Sec. 22. (1) Not later than January 30 of each year ending in one,  
26 the Independent Redistricting Citizen's Advisory Commission shall be  
27 established as provided by the Redistricting Act. The commission shall  
28 consist of seven members, including two selected by each legislative  
29 caucus pursuant to this section and the chairperson selected pursuant to  
30 section 27 of this act. No more than three members of the commission  
31 shall be affiliated with the same political party. The chairperson of the

1 Executive Board of the Legislative Council shall coordinate the process  
2 of selecting the members of the commission to ensure compliance with this  
3 section.

4 (2)(a) The members of each legislative caucus who are affiliated  
5 with the political party polling the highest number of votes statewide at  
6 the last general election for Governor shall select one person who is a  
7 resident of the area represented by the members of the caucus and who is  
8 affiliated with such party to serve on the commission, except that if  
9 there are no members of a legislative caucus who are affiliated with such  
10 political party, the members of the Legislature who are affiliated with  
11 such political party shall select one person who is a resident of the  
12 area represented by the members of the caucus and who is affiliated with  
13 such party to serve on the commission for that legislative caucus. The  
14 legislative caucus shall certify the members selected to the Secretary of  
15 State and the chairperson of the Executive Board of the Legislative  
16 Council.

17 (b) The members of each legislative caucus who are affiliated with  
18 the political party polling the second highest number of votes statewide  
19 at the last general election for Governor shall select one person who is  
20 a resident of the area represented by the members of the caucus and who  
21 is affiliated with such party to serve on the commission, except that if  
22 there are no members of a legislative caucus who are affiliated with such  
23 political party, the members of the Legislature who are affiliated with  
24 such political party shall select one person who is a resident of the  
25 area represented by the members of the caucus and who is affiliated with  
26 such party to serve on the commission for that legislative caucus. The  
27 legislative caucus shall certify the members selected to the Secretary of  
28 State and the chairperson of the Executive Board of the Legislative  
29 Council.

30 (3) The commission's only functions shall be those prescribed by the  
31 Redistricting Act.

1       (4) The members of the commission shall be reimbursed for expenses  
2 as authorized under sections 81-1174 to 81-1177. The commission shall  
3 receive necessary equipment, materials, supplies, facilities, software,  
4 and staff from the office of Legislative Research.

5       Sec. 23. The Redistricting Fund is created. The Legislature shall  
6 appropriate, from the General Fund, an amount prescribed by the Executive  
7 Board of the Legislative Council to the Redistricting Fund for temporary  
8 or permanent equipment, materials, supplies, facilities, software, and  
9 staff for the office of Legislative Research for purposes of assisting  
10 the commission and for per diems and travel and actual expenses of the  
11 members of the commission. Any money in the fund following the  
12 termination of the commission shall revert to the General Fund. Any money  
13 in the Redistricting Fund available for investment shall be invested by  
14 the state investment officer pursuant to the Nebraska Capital Expansion  
15 Act and the Nebraska State Funds Investment Act.

16       Sec. 24. (1) The commission shall cease to exist and suspend all  
17 official action following enactment of all six redistricting plans.  
18 Following such suspension, the director shall prepare and submit  
19 electronically a detailed report and financial statement to the  
20 Legislature disclosing all expenditures made by the office of Legislative  
21 Research on behalf of the commission. The director shall transmit  
22 original copies of all information developed by the commission pursuant  
23 to carrying out its duties under the Redistricting Act to the Secretary  
24 of State, including maps, census data collected, minutes of meetings,  
25 written communications, digital or electronic video, tapes, emails, and  
26 other information of a similar nature. The Secretary of State shall be  
27 the custodian for the permanent preservation of such information which  
28 shall constitute the official record.

29       (2) The commission shall be reconstituted in the event of a special  
30 session of the Legislature called for purposes of redistricting or in the  
31 event of a successful legal challenge to any part of any redistricting

1 plan for the purpose of reformulating the challenged redistricting plan.

2 Sec. 25. To be eligible to serve on the commission, a person shall:

3 (1) Be a Nebraska resident;

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

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

9 (4) Not be a public officeholder in Nebraska nor a holder of a  
10 political party office in Nebraska or the United States; and

11 (5) Not be a relative of or employed by (a) a member of the United  
12 States Congress, (b) a constitutional officer, or (c) a person employed  
13 by the University of Nebraska.

14 Sec. 26. No member of the commission shall be a candidate for  
15 elective office while a member of the commission.

16 Sec. 27. (1) Each member of the Independent Redistricting Citizen's  
17 Advisory Commission shall file a statement of financial interests and a  
18 conflict of interest statement with the Nebraska Accountability and  
19 Disclosure Commission pursuant to sections 49-1493 to 49-14,104.

20 (2) Within ten days after the Legislature has selected the members  
21 of the Independent Redistricting Citizen's Advisory Commission pursuant  
22 to section 22 of this act, the members shall, by majority vote, select  
23 another member, who is not affiliated with any political party, to serve  
24 as the chairperson of the commission. The members shall report such  
25 selection to the Secretary of State and the Speaker of the Legislature.

26 (3) Five voting members shall constitute a quorum for decisions by  
27 the commission. The commission shall meet at the call of the chairperson.  
28 All meetings shall be subject to the Open Meetings Act. The commission  
29 shall be subject to the Records Management Act.

30 (4) Any member of the commission who violates the Redistricting Act,  
31 who becomes ineligible for the office pursuant to section 25 or 26 of



1 this act, or who has a known or discovered conflict of interest may be  
2 removed by a majority vote of the Legislature.

3 (5) Any vacancy on the commission shall be filled in the manner  
4 provided in section 22 of this act by the legislative caucus which  
5 selected the member whose position is vacant within five legislative days  
6 after the vacancy occurs, and such replacement member shall hold the same  
7 political party affiliation as the member whose position is vacant.

8 Sec. 28. (1) The Executive Board of the Legislative Council shall  
9 adopt substantive and procedural guidelines, consistent with the  
10 Redistricting Act, that will guide the commission's redistricting  
11 process. During the legislative session of each year ending in one, the  
12 substantive guidelines adopted by the executive board shall be presented  
13 to the Legislature for approval. The executive board shall, at the  
14 earliest feasible time, make available to the public the guidelines  
15 prepared under this section. The guidelines shall include, but not be  
16 limited to, a process by which citizens can apply to serve on the  
17 commission.

18 (2) The commission shall follow the following principles in the  
19 following order of importance:

20 (a) Equal population among districts to meet constitutional  
21 requirements;

22 (b) Follow county lines in accordance with Article III, section 5,  
23 of the Constitution of Nebraska;

24 (c) Ensure compliance with the federal Voting Rights Act of 1965;

25 (d) Ensure districts are compact;

26 (e) Ensure districts are contiguous;

27 (f) Follow the boundaries of cities and villages;

28 (g) Follow the boundaries of other political subdivisions;

29 (h) Create districts with communities of common interest;

30 (i) Provide districts with easily identifiable boundaries, such as  
31 major roads, rivers, and county roads;

1       (j) Create districts with population deviations nearest to zero; and  
2       (k) Protect each officeholder's constitutional right to serve a full  
3 term or, if appointed, a remainder of the term as specified in sections  
4 32-560 to 32-574, before being subject to another election or term  
5 limits.

6       (3) The commission shall adopt each of the six redistricting plans  
7 by majority vote. The director shall deliver initial maps illustrating  
8 each of the six redistricting plans to the Clerk of the Legislature  
9 within three days after adoption by the commission.

10       (4) Upon delivery by the director to the Clerk of the Legislature of  
11 initial maps illustrating each of the six redistricting plans, as adopted  
12 by the commission, the commission shall properly provide notice and  
13 schedule and conduct at least four public hearings in different  
14 geographic regions of the state on each of the six redistricting plans.  
15 Following completion of all hearings, the commission shall review the  
16 redistricting plans and shall promptly prepare and submit electronically  
17 to the Legislature a report summarizing information and testimony  
18 received by the commission in the course of the hearings. The report  
19 shall include any written or oral public comments and conclusions which  
20 the members of the commission deem appropriate on the information and  
21 testimony received at the hearings or otherwise presented to the  
22 commission.

23       (5) Prior to delivering any redistricting plan and the corresponding  
24 maps to the Clerk of the Legislature in accordance with the Redistricting  
25 Act, the office of Legislative Research shall not provide to persons  
26 outside the office any information regarding any plan unless explicitly  
27 approved by the commission. This prohibition does not apply to census  
28 data.

29       Sec. 29. (1) In the preparation of the redistricting plans, neither  
30 the director nor the commission shall consider the political party  
31 affiliation of registered voters or previous election results. The

1 director and the commission shall not deliberately or inappropriately  
2 draw district boundary lines to favor any one individual, group,  
3 political party, or incumbent officeholder and shall not have access to:

4 (a) Political party affiliations of registered voters; or

5 (b) Previous elections results.

6 (2) The director and commission shall not draw any district boundary  
7 that results in cracking, packing, or otherwise diluting the voting  
8 rights of any voting majority or minority based on race or language.

9 Sec. 30. The following criteria shall be specifically applicable to  
10 the public bodies for which the Legislature will review and approve new  
11 district boundaries in years ending in one:

12 (1) United States House of Representatives:

13 (a) The state shall be divided into a number of single-member  
14 districts equal to the number of districts assigned to the State of  
15 Nebraska in accordance with 2 U.S.C. 2a and 2b;

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

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

25 (2) Legislature:

26 (a) The state shall be divided into forty-nine single-member  
27 districts;

28 (b) In establishing new legislative district boundaries, the  
29 Legislature shall create districts that are as nearly equal in population  
30 as may be. No plan will be considered which results in an overall range  
31 of deviation in excess of ten percent or a relative deviation in excess

1 of plus or minus five percent, based on the ideal district population;

2 (c) Any deviation in excess of the deviation set forth in  
3 subdivision (b) of this subdivision must be justifiable as necessary for  
4 the realization of a rational state policy as that concept has been  
5 articulated by the Supreme Court of the United States;

6 (d) If the population of any county falls within the relative  
7 deviation set forth in subdivision (b) of this subdivision, the  
8 boundaries of that county shall define a legislative district; and

9 (e) The number of districts entirely contained within a county shall  
10 be determined using the county apportionment formula;

11 (3) Supreme Court:

12 (a) The state shall be divided into six single-member districts;

13 (b) Equality of population shall be achieved in accordance with the  
14 standards established for redistricting the Legislature; and

15 (c) The number of districts entirely contained within a county shall  
16 be determined using the county apportionment formula;

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

18 (a) The state shall be divided into eight single-member districts;

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

21 (c) The number of districts entirely contained within a county shall  
22 be determined using the county apportionment formula;

23 (5) Public Service Commission:

24 (a) The state shall be divided into five single-member districts;

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

27 (c) The number of districts entirely contained within a county shall  
28 be determined using the county apportionment formula; and

29 (6) State Board of Education:

30 (a) The state shall be divided into eight single-member districts;

31 (b) Equality of population shall be achieved in accordance with the

1 standards established for redistricting the Legislature; and

2 (c) The number of districts entirely contained within a county shall  
3 be determined using the county apportionment formula.

4 Sec. 31. (1) The director shall deliver to the Clerk of the  
5 Legislature (a) final maps illustrating each of the six redistricting  
6 plans adopted by the commission, (b) corresponding public hearing reports  
7 prepared in accordance with the Redistricting Act, and (c) a summary of  
8 differences between any of the redistricting plans adopted by the  
9 commission and the corresponding base maps developed under section 21 of  
10 this act. The reports shall be submitted electronically. Not more than  
11 two legislative days after the director delivers the final maps, the  
12 chairperson of the Executive Board of the Legislative Council shall  
13 introduce a legislative bill for each redistricting plan adopted by the  
14 commission. Each legislative bill embodying a redistricting plan shall be  
15 placed directly on General File. If any of the legislative bills  
16 embodying a redistricting plan are not passed by the Legislature within  
17 five legislative days after introduction or are vetoed by the Governor  
18 and the vetoes were not overridden, the Speaker of the Legislature shall  
19 notify the director and the commission which legislative bills did not  
20 pass or were vetoed and the vetoes were not overridden and request that a  
21 new redistricting plan be prepared pursuant to subsection (2) of this  
22 section for each such legislative bill.

23 (2) If any of the legislative bills embodying the redistricting  
24 plans adopted by the commission fail to be passed within such five-  
25 legislative-day period or are vetoed by the Governor and the vetoes were  
26 not overridden, the commission shall prepare and adopt a new plan of  
27 redistricting for each legislative bill which failed or was vetoed and  
28 the veto was not overridden. The plan or plans shall be prepared in  
29 accordance with the Redistricting Act. The director shall deliver each  
30 such plan to the Clerk of the Legislature not later than ten calendar  
31 days after receipt of notice from the Speaker of the Legislature under

1 subsection (1) of this section or not later than ten calendar days after  
2 the Governor vetoes the legislative bill or bills, whichever is later.  
3 Not more than two legislative days after the director delivers the plan  
4 or plans, the chairperson of the executive board shall introduce a  
5 legislative bill for each such plan. Each legislative bill embodying a  
6 redistricting plan shall be placed directly on General File. If any  
7 legislative bill for a redistricting plan prepared by the commission  
8 under this subsection is not passed by the Legislature within five  
9 legislative days after introduction or is vetoed by the Governor and the  
10 veto is not overridden, the executive board shall prepare a plan and  
11 introduce a legislative bill for each legislative bill that did not pass  
12 or was vetoed and the veto was not overridden and each such bill shall be  
13 placed on General File for consideration by the Legislature.

14       Sec. 32. Section 49-1493, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16       49-1493 The individuals listed in subdivisions (1) through ~~(14)~~ ~~(13)~~  
17 of this section shall file with the commission a statement of financial  
18 interests as provided in sections 49-1496 and 49-1497 for the preceding  
19 calendar year on or before March 1 of each year in which such individual  
20 holds such a position. An individual who leaves office shall, within  
21 thirty days after leaving office, file a statement covering the period  
22 since the previous statement was filed. Disclosure of the interest named  
23 in sections 49-1496 to 49-1498 shall be made by:

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

30       (2) An individual holding the office of Commissioner of Education,  
31 member of the State Board of Education, member of the Board of Regents of

1 the University of Nebraska with the exception of student members, or  
2 member of the Coordinating Commission for Postsecondary Education;

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

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

5 (5) A member of the Legislature;

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

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

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

14 (9) An elected official of a city of the primary or metropolitan  
15 class;

16 (10) An elected county official;

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

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

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

24 (a) Contracting or procurement;

25 (b) Administering or monitoring grants or subsidies;

26 (c) Land-use planning or zoning;

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

28 (e) Any similar action; and -

29 (14) A member of the Independent Redistricting Citizen's Advisory  
30 Commission.

31 Sec. 33. Section 49-1499.03, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 49-1499.03 (1)(a) An official of a political subdivision designated  
3 in section 49-1493 who would be required to take any action or make any  
4 decision in the discharge of his or her official duties that may cause  
5 financial benefit or detriment to him or her, a member of his or her  
6 immediate family, or a business with which he or she is associated, which  
7 is distinguishable from the effects of such action on the public  
8 generally or a broad segment of the public, shall take the following  
9 actions as soon as he or she is aware of such potential conflict or  
10 should reasonably be aware of such potential conflict, whichever is  
11 sooner:

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

14 (ii) Deliver a copy of the statement to the commission and to the  
15 person in charge of keeping records for the political subdivision who  
16 shall enter the statement onto the public records of the subdivision.

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

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

25 (2)(a) Any person holding an elective office of a city or village  
26 not designated in section 49-1493, ~~and~~ any person holding an elective  
27 office of a school district, and any member appointed to the Independent  
28 Redistricting Citizen's Advisory Commission who would be required to take  
29 any action or make any decision in the discharge of his or her official  
30 duties that may cause financial benefit or detriment to him or her, a  
31 member of his or her immediate family, or a business with which he or she



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

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

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

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

24 Sec. 34. If any section in this act or any part of any section is  
25 declared invalid or unconstitutional, the declaration shall not affect  
26 the validity or constitutionality of the remaining portions.

27 Sec. 35. Original section 49-1499.03, Reissue Revised Statutes of  
28 Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement,  
29 2016, are repealed.