

# One Hundred Second Legislature - Second Session - 2012

## Introducer's Statement of Intent

### LB1133

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**Chairperson: Senator John Wightman**

**Committee: Executive Board**

**Date of Hearing: February 14, 2012**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

**Findings, Intent:** The process of decennial redistricting is important to citizen confidence in government, and the Legislature shall create an Independent Redistricting Advisory Commission. The Legislature shall draw equally distributed, contiguous and compact districts, shall not dilute or augment districts based on race or language and shall not draw lines to impact an individual or group.

**Legislative Research Office Preparations:** Legislative Research Office shall acquire any equipment, materials, supplies, facilities, software and staff and shall create and maintain a website in preparation for Commission's redistricting work. Director shall act as liaison between Commission and Legislature, Secretary of State, Executive Board. Director shall undertake other duties as directed by Legislature or Commission.

**Creation of Commission:** By January 30 of years ending in 01, each Legislative Caucus shall choose two individuals of different party affiliations for Commission membership. Commission may be reconstituted for Special Session or legal challenge. Commission members shall be paid per diem, travel and actual expenses.

**Redistricting Fund:** Appropriated from the General Fund to the Redistricting Fund for Research Office staff, software, facilities & supplies and Commission expenses outlined above. Any appropriations remaining following suspension of Commission shall be returned to General Fund.

**Suspension of Commission:** Following the end of Commission's duties, Director shall prepare informational and financial report of the Commission for the Legislature. Original copies of working documents, meeting minutes, testimony, written or video communications or information of similar nature shall be transmitted to Secretary of State for recordkeeping purposes.

**Commission Membership:** Nebraska citizen, registered voter of one political party for at least one year, not a registered lobbyist for one year, no public or political officeholders, no relatives officeholders. Commission members may not be political candidates or participate in political campaigns or hold or campaign for a seat within redistricting authority for two years.

**Commission Appointment:** Commission members shall be approved by full Legislature, and shall file Nebraska Accountability & Disclosure reports pursuant to 49-1493 to 49-14,104. Upon appointment, Commission shall elect Chair and Vice Chair; Chair shall not have voting rights. Any three Commission members shall constitute a quorum. Commission shall abide by Open Meetings & Open Records. Commission members can be removed by majority of Legislature for violation of Act or conflict of interest. Any vacancies shall be filled by Caucus of jurisdiction, and shall represent same party affiliation as vacancy.

**Commission Duties:** Review and adopt redistricting guidelines based on 2010 Legislature guidelines, any controlling judicial opinions, and Nebraska and U.S. Constitution. Director shall not provide copies of

documents to anyone without Commission approval. By April 1, Commission shall draw initial redistricting boundaries for public consideration and shall schedule at least 4 statewide public hearings, prepare a report based on public written or oral testimony and Commission conclusions to the Legislature. Commission shall research and formulate up to three additional redistricting plans per district, based upon Legislative approval or rejection and explanation by Legislative Resolution.

**Criteria for Consideration:** Commission shall not consider number of registered voters, political affiliations, election results, demographics or incumbent addresses while redistricting. Commission shall draw compact & contiguous districts. Commission shall not pack, fracture, dilute or augment districts for any reason. Commission shall redistrict, based on U.S. Census target population, members for the United States Congress, Nebraska Legislature, State Board of Education, University of Nebraska Board of Regents, Supreme Court and Public Service Commission, and any other district, as authorized by the Legislature.

**Commission Timetable:** Commission shall prepare one initial draft of all six aforementioned districts by April 1 for introduction by the Executive Board. Legislature shall consider first draft, consider no substantive amendments thereto, and vote up or down. If rejected, Legislative Resolution with explanation shall be transmitted to the Commission no more than 3 days after rejection. Commission shall, within 10 days, prepare a new redistricting plan for consideration based on explanation contained in Legislative Resolution. Legislature must vote within 7 days of introduction of new redistricting plan. Repeat this procedure if second and third redistricting plans are rejected by the Legislature. Following rejection of all three redistricting plans, a fourth corrective plan shall be drafted. All four redistricting plans and Legislative Resolutions of explanation for rejection shall be submitted to Supreme Court for final and binding decision.

**Severability:** If any provision of Act is unconstitutional, it shall affect that section only and not the entire Act.

**Principal Introducer:** \_\_\_\_\_

**Senator Bill Avery**