

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 976**

Introduced by Karpisek, 32.

Read first time January 17, 2014

Committee: Executive Board

A BILL

1 FOR AN ACT relating to redistricting; to amend sections 49-1493 and  
2 49-1499.03, Reissue Revised Statutes of Nebraska; to  
3 adopt the Redistricting Act; to provide severability; and  
4 to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

7           Sec. 5. Commission means the Independent Redistricting  
8 Advisory Commission.

9           Sec. 6. Director means the Director of Research of the  
10 office of Legislative Research or his or her designee.

11           Sec. 7. District means any United States House of  
12 Representatives district, legislative district, State Board of  
13 Education district, University of Nebraska Board of Regents district,  
14 Supreme Court judicial district, or Public Service Commission  
15 district.

16           Sec. 8. Executive board means the Executive Board of the  
17 Legislative Council.

18           Sec. 9. Federal census means the decennial census  
19 required by federal law to be conducted by the United States  
20 Department of Commerce, Bureau of the Census, in every year ending in  
21 zero.

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

24           Sec. 11. Public officeholder means a person holding an  
25 office of this state or a county, city, village, or other political

1 subdivision of this state which is filled by an election process  
2 involving nomination and election of candidates.

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

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

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

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

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

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

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

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

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

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

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

1           (c) Copies of the target population and total population  
2 of each district included in each of the six legislative bills and  
3 the relative deviation of the population of each district from the  
4 target population for the district.

5           Sec. 17. Not later than January 30 of each year ending in  
6 one, a six-member, Independent Redistricting Advisory Commission  
7 shall be established as provided by the Redistricting Act. Each of  
8 the three legislative caucuses shall certify to the Secretary of  
9 State and the Speaker of the Legislature the appointment of two  
10 persons who do not have the same political party affiliation to serve  
11 on the commission. The commission's only functions shall be those  
12 prescribed by the act. The commission shall be reconstituted if the  
13 Governor or Legislature, as authorized by Article IV, section 8, of  
14 the Constitution of Nebraska, calls for a special session of the  
15 Legislature on any redistricting plan or in the event of a successful  
16 legal challenge to any part of any redistricting plan for the purpose  
17 of reformulating the challenged redistricting plan. The members of  
18 the commission shall be reimbursed for per diem, travel, and actual  
19 expenditures as authorized under sections 81-1174 to 81-1177. The  
20 commission shall receive necessary equipment, materials, supplies,  
21 facilities, software, and staff from the office of Legislative  
22 Research.

23           Sec. 18. The Redistricting Fund is created. The  
24 Legislature shall appropriate, from the General Fund, an amount  
25 prescribed by the executive board to the Redistricting Fund for

1 temporary or permanent equipment, materials, supplies, facilities,  
2 software, and staff for the office of Legislative Research for  
3 purposes of assisting the commission and for per diems and travel and  
4 actual expenses of the members of the commission. Any money in the  
5 fund following the termination of the commission shall revert to the  
6 General Fund. Any money in the Redistricting Fund available for  
7 investment shall be invested by the state investment officer pursuant  
8 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act.

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

25           Sec. 20. To be eligible to serve on the commission, a

1 person shall:

2 (1) Be a Nebraska resident;

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

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

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

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

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

15 Sec. 21. No member of the commission shall:

16 (1) Campaign for elective office while a member of the  
17 commission;

18 (2) Actively participate in or contribute to any  
19 political campaign of any candidate for state or federal elective  
20 office while a member of the commission; or

21 (3) Hold or campaign for a seat in the United States  
22 Congress, Legislature, Public Service Commission, Supreme Court,  
23 State Board of Education, or Board of Regents of the University of  
24 Nebraska for two years after the latest effective date of any  
25 legislative bill passed pursuant to the Redistricting Act.

1           Sec. 22. (1) Each legislative caucus shall place each  
2 person selected by the caucus up for approval by the Legislature. The  
3 Legislature shall vote on each person separately. If an appointment  
4 is not approved, the legislative caucus shall select another person  
5 for approval by the Legislature.

6           (2) Prior to legislative approval, each member of the  
7 commission shall file a statement of financial interests and conflict  
8 of interest with the Nebraska Accountability and Disclosure  
9 Commission pursuant to sections 49-1493 to 49-14,104.

10          (3) Within ten days after the Legislature has approved  
11 the members for the commission, the members shall by majority vote  
12 select from among the members of the commission a chairperson and a  
13 vice-chairperson of different political party affiliation and report  
14 such selection to the Secretary of State and the Speaker of the  
15 Legislature. The chairperson or vice-chairperson when presiding shall  
16 not have voting rights with respect to decisions by the commission.

17          (4) Three voting members shall constitute a quorum for  
18 decisions by the commission. The commission shall meet at the call of  
19 the chairperson. All meetings shall be subject to the Open Meetings  
20 Act. The commission shall be subject to the Records Management Act.

21          (5) Any member of the commission who violates the  
22 Redistricting Act, who becomes ineligible for the office pursuant to  
23 section 20 of this act, or who has a known or discovered conflict of  
24 interest may be removed by a majority vote of the Legislature.

25          (6) Any vacancy on the commission shall be filled by the

1 legislative caucus which selected the member whose position is vacant  
2 within five legislative days after the vacancy occurs, and such  
3 replacement member shall hold the same political party affiliation as  
4 the member whose position is vacant.

5           Sec. 23. (1) The commission shall review redistricting  
6 guidelines used by the Legislature in the previous year ending in one  
7 and any subsequent controlling United States Supreme Court legal  
8 opinions. The commission shall adopt substantive and procedural  
9 guidelines, consistent with the Redistricting Act, that will guide  
10 the commission's redistricting process. During the legislative  
11 session of each year ending in one, the substantive guidelines  
12 adopted by the commission shall be presented to the Legislature. The  
13 commission shall, at the earliest feasible time, make available to  
14 the public the guidelines prepared under this section.

15           (2) Prior to delivering any redistricting plan and the  
16 corresponding legislative bill, maps, and census data to the  
17 executive board in accordance with the Redistricting Act, the office  
18 of Legislative Research shall not provide to persons outside the  
19 office any information regarding any plan unless explicitly approved  
20 by the commission. This prohibition does not apply to census data.

21           (3) Upon delivery by the director to the executive board  
22 of a bill embodying the first plan for each district, as required by  
23 the act, the commission shall, not later than April 1 of the year  
24 ending in one, properly provide notice and schedule and conduct at  
25 least four public hearings in different geographic regions of the

1 state on each of the six redistricting plans embodied in the bills  
2 delivered to the Legislature. Following completion of all hearings,  
3 the commission shall promptly prepare and submit electronically to  
4 the executive board a report summarizing information and testimony  
5 received by the commission in the course of the hearings. The  
6 commission's report shall include any written or oral public comments  
7 and conclusions which the members of the commission deem appropriate  
8 on the information and testimony received at the hearings or  
9 otherwise presented to the commission. The report shall be submitted  
10 no later than fourteen calendar days after the date of the completion  
11 of the final hearing on all six redistricting bills. The commission  
12 shall formulate additional redistricting plans for respective  
13 districts, not to exceed four, as necessary by Legislative  
14 Resolution, and shall consider instructions provided therein.

15           Sec. 24. (1) In the preparation of the redistricting  
16 plans, neither the director nor the commission shall consider  
17 political party affiliation of registered voters, previous election  
18 results, demographic data, incumbent addresses, or other individual  
19 or group addresses. The director and commission shall prepare and  
20 approve boundaries that are compact and contiguous and protect the  
21 boundaries of existing county, city, and core communities, whenever  
22 practicable. The director and commission shall not draw district  
23 boundary lines to favor any one individual, group, political party,  
24 or incumbent officeholder and shall not have access to:

25           (a) Addresses of incumbent legislators, members of

1 Congress, or other public officeholders;

2 (b) Political party affiliations of registered voters;

3 (c) Previous elections results; or

4 (d) Demographic information, other than population head  
5 counts, except as required by the Constitution and laws of the United  
6 States.

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

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

13 (1) United States House of Representatives:

14 (a) Three single-member districts;

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

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

25 To the extent that such objectives are relied on, they

1 shall be applied consistently and shall include, but not be limited  
2 to, the creation of compact districts, the preservation of municipal  
3 boundaries, and the preservation of the cores of prior districts. If  
4 more than one plan is presented to the Legislature that will  
5 substantially vindicate such objectives, preference will be given to  
6 the plan that provides the greatest degree of population equality;

7 (2) Legislature:

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

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

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

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

22 (3) Supreme Court:

23 (a) Six single-member districts; and

24 (b) Equality of population shall be achieved in  
25 accordance with the standards established for redistricting the

1 Legislature;

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

3 (a) Eight single-member districts; and

4 (b) Equality of population shall be achieved in  
5 accordance with the standards established for redistricting the  
6 Legislature;

7 (5) Public Service Commission:

8 (a) Five-single member districts; and

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

12 (6) State Board of Education:

13 (a) Eight single-member districts; and

14 (b) Equality of population shall be achieved in  
15 accordance with the standards established for redistricting the  
16 Legislature.

17 Sec. 26. (1) Not later than April 1 of each year ending  
18 in one, the director shall deliver to the executive board and the  
19 Clerk of the Legislature the six commission-approved legislative  
20 bills embodying a plan of redistricting and corresponding public  
21 hearing reports as prepared in accordance with the Redistricting Act.  
22 The reports shall be submitted electronically. Following at least  
23 four statewide public hearings on each of the six redistricting  
24 bills, the Legislature shall bring each bill to a vote expeditiously,  
25 but not less than three days after the bill and the report of the

1 commission required in the act is received and made available to the  
2 members of the Legislature. There shall be no amendments to the  
3 redistricting bills, except amendments by the Enrollment and Review  
4 Committee of the Legislature. If the redistricting bills embodying  
5 the six plans submitted by the director fail to be approved by a  
6 majority of the Legislature, the Speaker of the Legislature shall,  
7 not more than three legislative days after failure to be approved,  
8 introduce a Legislative Resolution detailing why the plan was not  
9 approved and transmit such to the director.

10           (2) If any of the legislative bills embodying the plans  
11 approved by the commission and submitted by the director under  
12 subsection (1) of this section fail to be enacted, the director shall  
13 prepare a bill embodying a second plan of redistricting for the bill  
14 or bills which failed. The bill or bills shall be prepared in  
15 accordance with the act and, insofar as it is possible to do so  
16 within the requirements of the act, with the reasons cited by the  
17 Speaker and Legislature by Legislative Resolution, or the Governor by  
18 veto message, for the failure to approve the plan. If a second plan  
19 is required under this subsection, the legislative bill embodying it  
20 shall be delivered to the executive board not later than ten calendar  
21 days after the date of the vote by which the Legislature fails to  
22 approve the bill submitted under subsection (1) of this section or  
23 the date the Governor vetoes or fails to approve the bill. If it is  
24 necessary to submit a bill under this subsection, the bill shall be  
25 brought to a vote not less than seven calendar days after the bill is

1 submitted and made available to the members of the Legislature, under  
2 a procedure or rule permitting no amendments except amendments by the  
3 Enrollment and Review Committee. If the second bill embodying the  
4 plan submitted by the director fails to be approved by a majority of  
5 the Legislature, the Speaker shall at once, but in no event later  
6 than three legislative days after the date the bill failed to be  
7 approved, transmit to the director, by Legislative Resolution,  
8 reasons why the plan was not approved.

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

1 Enrollment and Review Committee. If the third bill embodying the plan  
2 submitted by the director fails to be approved by a majority of the  
3 Legislature, the Speaker shall at once, but in no event later than  
4 three legislative days after the date the bill failed to be approved,  
5 transmit to the director, by Legislative Resolution, regarding  
6 reasons why the plan was not approved.

7 (4) If the bill embodying the plan submitted by the  
8 director under subsection (3) of this section fails to be enacted,  
9 the director shall prepare a bill embodying a fourth and final plan  
10 of redistricting. The bill shall be prepared in accordance with the  
11 act and, insofar as it is possible to do so within the requirements  
12 of the act, with the reasons cited by the Speaker and Legislature by  
13 Legislative Resolution, or the Governor by veto message, for the  
14 failure to approve the plan.

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

25 Sec. 27. Section 49-1493, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           49-1493 The individuals listed in subdivisions (1)  
3 through ~~(13)~~-(14) of this section shall file with the commission a  
4 statement of financial interests as provided in sections 49-1496 and  
5 49-1497 for the preceding calendar year on or before April 1 of each  
6 year in which such individual holds such a position. An individual  
7 who leaves office shall, within thirty days after leaving office,  
8 file a statement covering the period since the previous statement was  
9 filed. Disclosure of the interest named in sections 49-1496 to  
10 49-1498 shall be made by:

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

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

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

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

24           (5) A member of the Legislature;

25           (6) A member of the board of directors or an officer of a

1 district organized under the provisions of Chapter 70;

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

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

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

10 (10) An elected county official;

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

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

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

19 (a) Contracting or procurement;

20 (b) Administering or monitoring grants or subsidies;

21 (c) Land-use planning or zoning;

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

24 (e) Any similar action; and -

25 (14) A member of the Independent Redistricting Advisory

1 Commission.

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

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

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

17           (ii) Deliver a copy of the statement to the commission  
18 and to the person in charge of keeping records for the political  
19 subdivision who shall enter the statement onto the public records of  
20 the subdivision.

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

24           (c) This subsection does not prevent such a person from  
25 making or participating in the making of a governmental decision to

1 the extent that the individual's participation is legally required  
2 for the action or decision to be made. A person acting pursuant to  
3 this subdivision shall report the occurrence to the commission.

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

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

19 (ii) Deliver a copy of the statement to the person in  
20 charge of keeping records for the city, village, ~~or~~ school district,  
21 or commission who shall enter the statement onto the public records  
22 of the city, village, ~~or~~ school district, or commission; and

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

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

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

11                   Sec. 29. If any section in this act or any part of any  
12 section is declared invalid or unconstitutional, the declaration  
13 shall not affect the validity or constitutionality of the remaining  
14 portions.

15                   Sec. 30. Original sections 49-1493 and 49-1499.03,  
16 Reissue Revised Statutes of Nebraska, are repealed.