

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 253

Introduced by McCollister, 20.

Read first time January 14, 2019

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, 2018; 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 34 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 23 of this act apply.

29 Sec. 5. Base map means a map drawn by the director for purposes of
30 developing a redistricting plan which serves as a template for the
31 commission in order to draw an initial map for each district.

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

7 Sec. 7. Commission means the Independent Redistricting Citizen's
8 Advisory Commission.

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

13 Sec. 9. County apportionment formula means dividing the population
14 of the county by the ideal district population, dropping the remainder,
15 and the whole number is the number of districts entirely contained within
16 the county.

17 Sec. 10. Cracking means dividing the electoral strength of a
18 particular group by a redistricting plan.

19 Sec. 11. Director means the Director of Research of the office of
20 Legislative Research or his or her designee.

21 Sec. 12. District means any United States House of Representatives
22 district, legislative district, Supreme Court judicial district,
23 University of Nebraska Board of Regents district, Public Service
24 Commission district, or State Board of Education district.

25 Sec. 13. Federal census means the decennial census required by
26 federal law to be conducted by the United States Department of Commerce,
27 Bureau of the Census, in every year ending in zero.

28 Sec. 14. Final map means a map drawn by the commission, with
29 assistance from the director, which may or may not make alterations to an
30 initial map based on recommendations from public hearings.

31 Sec. 15. Ideal district population means the population of the

1 State of Nebraska divided by the total number of districts.

2 Sec. 16. Initial map means a map drawn by the commission, with
3 assistance from the director, which may or may not make alterations to a
4 base map.

5 Sec. 17. Legislative caucus means a group of legislative districts
6 from which members are elected to the Executive Board of the Legislative
7 Council as designated in subsection (1) of section 50-401.01.

8 Sec. 18. Packing means consolidating one group as a supermajority
9 in a relatively small number of districts resulting in a reduction of the
10 group's electoral influence in surrounding districts.

11 Sec. 19. Political party office means an elective office in the
12 national or state organization of a political party.

13 Sec. 20. Public officeholder means a person holding an office of
14 this state or a county, city, village, or other political subdivision of
15 this state which is filled by an election process involving the
16 nomination and election of candidates.

17 Sec. 21. Redistricting means dividing the State of Nebraska into
18 districts by designating boundary lines based on population through
19 legislative action.

20 Sec. 22. Registered lobbyist means an individual required to
21 register with the Clerk of the Legislature under section 49-1483.

22 Sec. 23. Relative means an individual who is related to the person
23 in question as father, mother, son, daughter, brother, sister, uncle,
24 aunt, first cousin, nephew, niece, husband, wife, grandfather,
25 grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law,
26 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
27 stepdaughter, stepbrother, stepsister, half brother, or half sister.

28 Sec. 24. (1) In preparation for developing redistricting plans on
29 the basis of census data, the director shall acquire and maintain
30 temporary and permanent equipment, materials, supplies, facilities,
31 software, and staff as necessary to assist the commission. The director

1 shall create and maintain a web site, in accordance with state
2 requirements, which shall include, but not be limited to, information
3 regarding members of the commission, census data for Nebraska, state
4 redistricting history, relevant maps, a schedule for public comment, and
5 statutory redistricting authority. The Legislature shall appropriate
6 funds to the office of Legislative Research to be used for the purchase
7 or lease of temporary or permanent equipment, materials, supplies,
8 facilities, software, or staff for the explicit purpose of carrying out
9 the Redistricting Act only and with the prior approval of the Executive
10 Board of the Legislative Council.

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

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

20 (4) Upon delivery by the director of the redistricting plans
21 pursuant to section 34 of this act, the director shall, at the earliest
22 possible time, make available to the public the following information:

23 (a) Copies of the redistricting plan adopted by the commission for
24 each of the six public bodies enumerated in section 33 of this act;

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

27 (c) Copies of the ideal district population and total population of
28 each district included in each of the six redistricting plans and the
29 relative deviation of the population of each district from the ideal
30 district population for the district; and

31 (d) Copies of the county apportionment formula and the number of

1 districts entirely contained within each county.

2 Sec. 25. (1) Not later than January 30 of each year ending in one,
3 the Independent Redistricting Citizen's Advisory Commission shall be
4 established as provided by the Redistricting Act. The commission shall
5 consist of seven members, including two members selected by each
6 legislative caucus pursuant to this section and the chairperson selected
7 pursuant to section 30 of this act. No more than three members of the
8 commission shall be affiliated with the same political party. The
9 chairperson of the Executive Board of the Legislative Council shall
10 coordinate the process of selecting the members of the commission to
11 ensure compliance with this section.

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

25 (b) The members of each legislative caucus who are affiliated with
26 the political party polling the second highest number of votes statewide
27 at the last general election for Governor shall select one person who is
28 a resident of the area represented by the members of the caucus and who
29 is affiliated with such party to serve on the commission, except that if
30 there are no members of a legislative caucus who are affiliated with such
31 political party, the members of the Legislature who are affiliated with

1 such political party shall select one person who is a resident of the
2 area represented by the members of the caucus and who is affiliated with
3 such party to serve on the commission for that legislative caucus. The
4 legislative caucuses shall certify the members selected to the Secretary
5 of State and the chairperson of the Executive Board of the Legislative
6 Council.

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

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

13 Sec. 26. The Redistricting Fund is created. The Legislature shall
14 appropriate, from the General Fund, an amount prescribed by the Executive
15 Board of the Legislative Council to the Redistricting Fund for temporary
16 or permanent equipment, materials, supplies, facilities, software, and
17 staff for the office of Legislative Research for purposes of assisting
18 the commission and for per diems and travel and actual expenses of the
19 members of the commission. Any money in the fund following the
20 termination of the commission shall revert to the General Fund. Any money
21 in the Redistricting Fund available for investment shall be invested by
22 the state investment officer pursuant to the Nebraska Capital Expansion
23 Act and the Nebraska State Funds Investment Act.

24 Sec. 27. (1) The commission shall cease to exist and suspend all
25 official action following enactment of all six redistricting plans.
26 Following such suspension, the director shall prepare and submit
27 electronically a detailed report and financial statement to the
28 Legislature disclosing all expenditures made by the office of Legislative
29 Research on behalf of the commission. The director shall transmit
30 original copies of all information developed by the commission pursuant
31 to carrying out its duties under the Redistricting Act to the Secretary

1 of State, including maps, census data collected, minutes of meetings,
2 written communications, digital or electronic video, tapes, emails, and
3 other information of a similar nature. The Secretary of State shall be
4 the custodian for the permanent preservation of such information which
5 shall constitute the official record.

6 (2) The commission shall be reconstituted in the event of a special
7 session of the Legislature called for purposes of redistricting or in the
8 event of a successful legal challenge to any part of any redistricting
9 plan for the purpose of reformulating the challenged redistricting plan.

10 Sec. 28. To be eligible to serve on the commission, a person shall:

11 (1) Be a Nebraska resident;

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

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

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

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

22 Sec. 29. No member of the commission shall be a candidate for
23 elective office while a member of the commission.

24 Sec. 30. (1) Each member of the Independent Redistricting Citizen's
25 Advisory Commission shall file a statement of financial interests and a
26 conflict of interest statement with the Nebraska Accountability and
27 Disclosure Commission pursuant to sections 49-1493 to 49-14,104.

28 (2) Within ten days after the Legislature has selected the members
29 of the Independent Redistricting Citizen's Advisory Commission pursuant
30 to section 25 of this act, the members shall, by majority vote, select
31 another member, who is not affiliated with any political party, to serve

1 as the chairperson of the commission. The members shall report such
2 selection to the Secretary of State and the Speaker of the Legislature.

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

7 (4) Any member of the commission who violates the Redistricting Act,
8 who becomes ineligible for the office pursuant to section 28 or 29 of
9 this act, or who has a known or discovered conflict of interest may be
10 removed by a majority vote of the Legislature.

11 (5) Except as otherwise provided in subsection (6) of this section,
12 a vacancy on the commission shall be filled by the legislative caucus
13 which selected the member whose position is vacant in the manner as
14 provided in section 25 of this act, except that the selection shall be
15 made within five legislative days after the vacancy occurs. The
16 replacement member shall hold the same political party affiliation as the
17 member whose position is vacant.

18 (6) A vacancy in the position of chairperson shall be filled in the
19 manner provided in subsection (2) of this section, except that the
20 selection shall be made within five legislative days after the vacancy
21 occurs.

22 Sec. 31. (1) The Executive Board of the Legislative Council shall
23 adopt substantive and procedural guidelines, consistent with the
24 Redistricting Act, that will guide the commission's redistricting
25 process. During the legislative session of each year ending in one, the
26 substantive guidelines adopted by the executive board shall be presented
27 to the Legislature for approval. The executive board shall, at the
28 earliest feasible time, make available to the public the guidelines
29 prepared under this section. The guidelines shall include, but not be
30 limited to, a process by which citizens can apply to serve on the
31 commission.

1 (2) The director and the commission shall follow the following
2 principles in the following order of importance:

3 (a) Equal population among districts to meet constitutional
4 requirements;

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

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

8 (d) Ensure districts are compact;

9 (e) Ensure districts are contiguous;

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

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

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

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

15 (j) Create districts with population deviations nearest to zero; and

16 (k) Protect each officeholder's constitutional right to serve a full
17 term or, if appointed, a remainder of the term as specified in sections
18 32-560 to 32-574, before being subject to another election or term
19 limits.

20 (3) The commission shall adopt each of the six redistricting plans
21 by majority vote. The director shall deliver initial maps illustrating
22 each of the six redistricting plans to the Clerk of the Legislature
23 within three days after adoption by the commission.

24 (4) Upon delivery by the director to the Clerk of the Legislature of
25 initial maps illustrating each of the six redistricting plans, as adopted
26 by the commission, the commission shall properly provide notice and
27 schedule and conduct at least four public hearings in different
28 geographic regions of the state on each of the six redistricting plans.
29 Following completion of all hearings, the commission shall review the
30 redistricting plans and shall promptly prepare and submit electronically
31 to the Legislature a report summarizing information and testimony

1 received by the commission in the course of the hearings.

2 (5) After the public hearings, the commission shall develop
3 redistricting plans with final maps.

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

10 Sec. 32. (1) In the preparation of the redistricting plans, neither
11 the director nor the commission shall consider the political party
12 affiliation of registered voters or previous election results. The
13 director and the commission shall not deliberately or inappropriately
14 draw district boundary lines to favor any one individual, group,
15 political party, or incumbent officeholder and shall not have access to:

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

17 (b) Previous elections results.

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

21 Sec. 33. The following criteria shall be specifically applicable to
22 the public bodies for which the Legislature will review and approve new
23 district boundaries in years ending in one:

24 (1) United States House of Representatives:

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

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

31 (c) No plan will be considered which results in an overall range of

1 deviation in excess of one percent or a relative deviation in excess of
2 plus or minus one-half percent, based on the ideal district population.
3 Any deviation from absolute equality of population must be necessary to
4 the achievement of a legitimate state objective as that concept has been
5 articulated by the Supreme Court of the United States;

6 (2) Legislature:

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

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

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

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

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

23 (3) Supreme Court:

24 (a) The state shall be divided into six 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;

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

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 (5) Public Service Commission:

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

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

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

10 (6) State Board of Education:

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

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

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

16 Sec. 34. (1) The director shall deliver to the Clerk of the
17 Legislature (a) final maps illustrating each of the six redistricting
18 plans adopted by the commission, (b) corresponding public hearing reports
19 prepared in accordance with the Redistricting Act, and (c) a summary of
20 differences, if any, between any of the redistricting plans adopted by
21 the commission and the corresponding base maps developed under section 24
22 of this act. The reports shall be submitted electronically. Not more than
23 two legislative days after the director delivers the final maps, the
24 chairperson of the Executive Board of the Legislative Council shall
25 introduce a legislative bill for each redistricting plan adopted by the
26 commission. Each legislative bill embodying a redistricting plan shall be
27 placed directly on General File. If any of the legislative bills
28 embodying a redistricting plan are not passed by the Legislature within
29 five legislative days after introduction or are vetoed by the Governor
30 and the vetoes were not overridden, the Speaker of the Legislature shall
31 notify the director and the commission which legislative bills did not

1 pass or were vetoed and the vetoes are not overridden and request that a
2 new redistricting plan be prepared pursuant to subsection (2) of this
3 section for each such legislative bill.

4 (2) If any of the legislative bills embodying the redistricting
5 plans adopted by the commission fail to be passed within such five-
6 legislative-day period or are vetoed by the Governor and the vetoes are
7 not overridden, the commission shall prepare and adopt a new plan of
8 redistricting for each legislative bill which failed or was vetoed and
9 the veto was not overridden. The plan or plans shall be prepared in
10 accordance with the Redistricting Act. The director shall deliver each
11 such plan to the Clerk of the Legislature not later than ten calendar
12 days after receipt of notice from the Speaker of the Legislature under
13 subsection (1) of this section or not later than ten calendar days after
14 the Governor vetoes the legislative bill or bills, whichever is later.
15 Not more than two legislative days after the director delivers the plan
16 or plans, the chairperson of the executive board shall introduce a
17 legislative bill for each such plan. Each legislative bill embodying a
18 redistricting plan shall be placed directly on General File.

19 (3) If any legislative bill for a redistricting plan prepared by the
20 commission under this subsection is not passed by the Legislature within
21 five legislative days after introduction or is vetoed by the Governor and
22 the veto is not overridden, the executive board shall prepare a plan and
23 introduce a legislative bill for each legislative bill that did not pass
24 or was vetoed and the veto was not overridden and each such bill shall be
25 placed on General File for consideration by the Legislature.

26 Sec. 35. Section 49-1493, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 49-1493 The individuals listed in subdivisions (1) through ~~(14)~~ ~~(13)~~
29 of this section shall file with the commission a statement of financial
30 interests as provided in sections 49-1496 and 49-1497 for the preceding
31 calendar year on or before March 1 of each year in which such individual

1 holds such a position. An individual who leaves office shall, within
2 thirty days after leaving office, file a statement covering the period
3 since the previous statement was filed. Disclosure of the interest named
4 in sections 49-1496 to 49-1498 shall be made by:

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

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

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

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

17 (5) A member of the Legislature;

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

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

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

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

28 (10) An elected county official;

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

30 (12) An individual employed at the University of Nebraska-Lincoln in
31 the position of Head Football Coach, Men's Basketball Coach, or Women's

1 Basketball Coach;~~and~~

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

5 (a) Contracting or procurement;

6 (b) Administering or monitoring grants or subsidies;

7 (c) Land-use planning or zoning;

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

9 (e) Any similar action; and -

10 (14) A member of the Independent Redistricting Citizen's Advisory
11 Commission.

12 Sec. 36. Section 49-1499.03, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 49-1499.03 (1)(a) An official of a political subdivision designated
15 in section 49-1493 who would be required to take any action or make any
16 decision in the discharge of his or her official duties that may cause
17 financial benefit or detriment to him or her, a member of his or her
18 immediate family, or a business with which he or she is associated, which
19 is distinguishable from the effects of such action on the public
20 generally or a broad segment of the public, shall take the following
21 actions as soon as he or she is aware of such potential conflict or
22 should reasonably be aware of such potential conflict, whichever is
23 sooner:

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

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

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

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

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

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

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

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

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

30 (3) Matters involving an interest in a contract are governed either
31 by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to

1 49-14,103.06. Matters involving the hiring of an immediate family member
2 are governed by section 49-1499.04. Matters involving nepotism or the
3 supervision of a family member by an official or employee in the
4 executive branch of state government are governed by section 49-1499.07.

5 Sec. 37. If any section in this act or any part of any section is
6 declared invalid or unconstitutional, the declaration shall not affect
7 the validity or constitutionality of the remaining portions.

8 Sec. 38. Original section 49-1499.03, Reissue Revised Statutes of
9 Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement,
10 2018, are repealed.