

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 653

Introduced by Murante, 49.

Read first time January 18, 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 small number of districts resulting in a reduction of the group's

1 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 nomination
7 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, 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 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 district based upon
10 the census data, and (c) develop base maps for the commission to use in
11 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. Each of the three
28 legislative caucuses shall certify to the Secretary of State and the
29 Speaker of the Legislature the appointment of three persons selected as
30 provided in this section to serve on the commission. No more than five
31 members of the commission shall be affiliated with the same political

1 party. The chairperson of the Executive Board of the Legislative Council
2 shall coordinate the process of selecting the members of the commission
3 to ensure compliance with this 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 or more persons
7 who are residents of the area represented by the members of the caucus
8 and who are affiliated with such party to serve on the commission, except
9 that if there are no members of a legislative caucus who are affiliated
10 with such political party, the members of the Legislature who are
11 affiliated with such political party shall select one or more persons who
12 are residents of the area represented by the members of the caucus and
13 who are affiliated with such party to serve on the commission for that
14 legislative caucus.

15 (b) The members of each legislative caucus who are affiliated with
16 the political party polling the second highest number of votes statewide
17 at the last general election for Governor shall select one or more
18 persons who are residents of the area represented by the members of the
19 caucus and who are affiliated with such party to serve on the commission,
20 except that if there are no members of a legislative caucus who are
21 affiliated with such political party, the members of the Legislature who
22 are affiliated with such political party shall select one or more persons
23 who are residents of the area represented by the members of the caucus
24 and who are affiliated with such party to serve on the commission for
25 that legislative caucus.

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

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

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

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

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

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

30 (1) Be a Nebraska resident;

31 (2) Be a registered voter who, at the time of appointment, has not

1 changed political party affiliation within the previous twenty-four
2 months;

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

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

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

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

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

16 (2) Within ten days after the Legislature has approved the members
17 of the Independent Redistricting Citizen's Advisory Commission, the
18 members shall, by majority vote, select from among the members a
19 chairperson and vice-chairperson of different political party
20 affiliations and report such selection to the Secretary of State and the
21 Speaker of the Legislature.

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

26 (4) Any member of the commission who violates the Redistricting Act,
27 who becomes ineligible for the office pursuant to section 25 of this act,
28 or who has a known or discovered conflict of interest may be removed by a
29 majority vote of the Legislature.

30 (5) Any vacancy on the commission shall be filled in the manner
31 provided in section 22 of this act by the legislative caucus which

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

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

14 (2) The commission shall follow the following principles in the
15 following order of importance:

16 (a) Equal population among districts to meet constitutional
17 requirements;

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

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

21 (d) Ensure districts are compact;

22 (e) Ensure districts are contiguous;

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

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

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

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

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

29 (k) Protect the officeholder's constitutional right to serve a full
30 term or, if appointed, a remainder of the term as specified in sections
31 32-560 to 32-574, before being subject to another election or term

1 limits.

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

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

19 (5) The Secretary of State and the Attorney General shall provide
20 formal opinions regarding the constitutionality of the maps to the extent
21 to which the maps are consistent with the Redistricting Act.

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

28 Sec. 29. (1) In the preparation of the redistricting plans, neither
29 the director nor the commission shall consider political party
30 affiliation of registered voters or previous election results. The
31 director and the commission shall not deliberately or inappropriately

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

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

4 (b) Previous elections results.

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

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

11 (1) United States House of Representatives:

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

15 (b) Population among districts shall be as nearly equal as
16 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 overall range of
19 deviation in excess of one percent or a relative deviation in excess of
20 plus or minus one-half percent, based on the ideal district population.
21 Any deviation from absolute equality of population must be necessary to
22 the achievement of a legitimate state objective as that concept has been
23 articulated by the Supreme Court of the United States;

24 (2) Legislature:

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

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

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

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

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

10 (3) Supreme Court:

11 (a) The state shall be divided into six 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 (4) Board of Regents of the University of Nebraska:

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

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

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

22 (5) Public Service Commission:

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

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

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

28 (6) State Board of Education:

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

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

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

3 Sec. 31. (1) The director shall deliver to the Clerk of the
4 Legislature (a) final maps illustrating each of the six redistricting
5 plans adopted by the commission, (b) corresponding public hearing reports
6 prepared in accordance with the Redistricting Act, (c) a summary of
7 differences between any of the redistricting plans adopted by the
8 commission and the corresponding base maps developed under section 21 of
9 this act, and (d) the formal opinions of the Secretary of State and the
10 Attorney General under section 28 of this act. The reports shall be
11 submitted electronically. Not less than two days after the director
12 delivers the final maps, the chairperson of the Executive Board of the
13 Legislative Council shall introduce a legislative bill for each
14 redistricting plan adopted by the commission. Each legislative bill
15 embodying a redistricting plan shall be placed directly on General File.
16 If any of the legislative bills embodying a redistricting plan are not
17 passed by the Legislature within ten legislative days after introduction
18 or are vetoed by the Governor, 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 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 ten-
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. If additional plans are required
30 under this subsection, the director shall deliver each such plan to the
31 Clerk of the Legislature not later than ten calendar days after receipt

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

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 commission
10 who shall enter the statement onto the public records of the city,
11 village, ~~or~~ school district, or 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.