

AMENDMENTS TO LB 1002

(Amendments to Standing Committee amendments, AM1841)

Introduced by Louden, 49.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. For purposes of sections 1 to 7 of this act:

4 (1) Census-designated place means a concentration of
5 population identified by the United States Department of Commerce,
6 Bureau of the Census, that lacks a separate municipal government
7 but otherwise physically resembles an incorporated city or village,
8 that is associated with an Indian reservation, and that is in
9 a county with fewer than six thousand four hundred inhabitants
10 according to the most recent federal decennial census;

11 (2) Commission means the Commission on Indian Affairs;

12 (3) Indian reservation means a tract of land set apart by
13 the federal government for the use of the Native American people;
14 and

15 (4) Political subdivision means a city, village, or
16 county within a thirty-mile radius of a census-designated place or
17 a tribal government that owns land within such thirty-mile radius.

18 Sec. 2. Any political subdivision may annually apply
19 to the commission for state assistance under sections 1 to 7
20 of this act. The state assistance shall be used for economic
21 development, health care, and law enforcement needs in such
22 political subdivision.

1 Sec. 3. (1) All applications for state assistance under
2 sections 1 to 7 of this act shall be in writing, include a
3 certified copy of the approving action of the governing body of the
4 applicant describing the proposed use for the state assistance, and
5 be of such form and contain the content as the commission shall
6 prescribe and publish for distribution to a political subdivision
7 upon request.

8 (2) Upon receiving an application for state assistance,
9 the commission shall review the application and notify the
10 applicant of any additional information needed for a proper
11 evaluation of the application.

12 (3) Any state assistance received pursuant to sections 1
13 to 7 of this act shall be used only for public purposes.

14 Sec. 4. (1) After reviewing an application submitted
15 under section 3 of this act and upon reasonable notice to the
16 applicant, the commission shall hold a public hearing on the
17 application.

18 (2) The commission shall give notice of the time, place,
19 and purpose of the public hearing by publication three times in a
20 newspaper of statewide circulation. Such publication shall be not
21 less than ten days prior to the hearing. The notice shall describe
22 generally the use for which state assistance has been requested.
23 The applicant shall pay the cost of the notice.

24 (3) At the public hearing, representatives of the
25 applicant and any other interested persons may appear and present
26 evidence and argument in support of or in opposition to the
27 application or neutral testimony. The commission may seek expert

1 testimony and may require testimony of persons whom the commission
2 desires to comment on the application. The commission may provide
3 for the acceptance of additional evidence after conclusion of the
4 public hearing.

5 Sec. 5. (1) After consideration of the application and
6 the evidence, the commission shall issue a finding of whether the
7 use described in the application is eligible for state assistance.

8 (2) If the commission finds that the use described in the
9 application is a legitimate use and that state assistance is in the
10 best interest of the state, the application shall be approved.

11 (3) A majority of the commission members constitutes a
12 quorum for the purpose of conducting business. All actions of the
13 commission shall be made by a majority vote of the voting members.

14 Sec. 6. (1) The State Treasurer shall annually transfer
15 on or after July 1 of each year two hundred fifty thousand dollars
16 from the General Fund to the Designated Collection Fund which is
17 hereby created. Any money in the fund available for investment
18 shall be invested by the state investment officer pursuant to
19 the Nebraska Capital Expansion Act and the Nebraska State Funds
20 Investment Act.

21 (2) The commission may accept and shall actively seek,
22 for the needs listed in section 2 of this act, any and all
23 grants, donations, gifts, or contributions from public or private
24 sources. Any such grants, donations, gifts, or contributions shall
25 be deposited in the Designated Collection Fund and shall only be
26 expended as provided in sections 1 to 7 of this act.

27 Sec. 7. Sections 1 to 7 of this act terminate on June 30,

1 2018.

2 Sec. 8. Section 81-2504, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-2504 The functions of the commission shall be to:

5 (1) Promote state and federal legislation beneficial to
6 the Indian community in Nebraska;

7 (2) Coordinate existing programs relating to the Indian
8 community in such areas as housing, education, welfare, medical and
9 dental care, employment, economic development, law and order, and
10 related problems;

11 (3) Work with other state and federal government agencies
12 and federal and state elected officials in the development of new
13 programs in areas mentioned under subdivision (2) of this section;

14 (4) Keep the Governor's office apprised of the situation
15 in the Indian community;

16 (5) Administer sections 1 to 7 of this act;

17 ~~(5)~~ (6) Provide the public with information and education
18 relevant to Indian affairs in the State of Nebraska; and

19 ~~(6)~~ (7) Develop programs to encourage the total
20 involvement of Indian people in activities for the common benefit
21 of the Indian community.

22 Sec. 9. This act becomes operative on July 1, 2011.

23 Sec. 10. Original section 81-2504, Reissue Revised
24 Statutes of Nebraska, is repealed.