

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 380**

Introduced by Rogert, 16.

Read first time January 16, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to counties; to amend section 23-362, Reissue  
2 Revised Statutes of Nebraska; to change a state aid  
3 program relating to Indian reservations; to repeal the  
4 original section; to outright repeal section 23-362.01,  
5 Reissue Revised Statutes of Nebraska; and to declare an  
6 emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 23-362, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           23-362 ~~In order to equitably distribute the added burden~~  
4 ~~of law enforcement imposed upon certain counties of this state~~  
5 ~~by reason of the passage of Public Law 280 of the Eighty-third~~  
6 ~~Congress dealing with state jurisdiction and the resulting~~  
7 ~~withdrawal of federal law enforcement in such counties,~~ there shall  
8 ~~each fiscal year~~ There shall be paid out of the state treasury  
9 each fiscal year, on the warrant of the Director of Administrative  
10 Services, as directed by the chairperson of the Nebraska Commission  
11 on Law Enforcement and Criminal Justice, not to exceed one hundred  
12 one thousand dollars for the benefit of Indians in any county  
13 which has to each county an amount equal to three dollars and  
14 seventy cents per acre of land held in trust by the United States  
15 Government for the benefit of Indians in such county. The funds  
16 shall be used for law enforcement and county operations. ~~to be~~  
17 ~~used for purposes of law enforcement and jail operations.~~ Such  
18 funds shall be divided as equally as possible between the areas of  
19 law enforcement and jail operations. An audit shall be conducted  
20 biennially by the Auditor of Public Accounts or his or her designee  
21 of the funds distributed pursuant to this section. A detailed  
22 report of the use of the funds shall be submitted ~~on December 31 of~~  
23 ~~each year,~~ including discussion of the operation and expenditures  
24 of the office of the county sheriff and, every other year, a  
25 copy of the audit, to the Executive Board of the Legislative

1 Council and the Governor by each county receiving funds. Such  
2 payment shall be made to any county of this state ~~meeting the~~  
3 ~~following conditions:~~(1) Such county shall have that has on file  
4 in the office of the Nebraska Commission on Law Enforcement and  
5 ~~Criminal Justice~~ with the Department of Administrative Services  
6 a certificate of the county assessor that there are within such  
7 county over ~~twenty-five hundred~~ fifty thousand acres of land held  
8 in trust by the United States or subject to restriction against  
9 alienation imposed by the United States, ~~and~~

10 ~~(2) The county board of each such county may participate~~  
11 ~~in alcohol-related programs with nonprofit corporations.~~

12 Sec. 2. Original section 23-362, Reissue Revised Statutes  
13 of Nebraska, is repealed.

14 Sec. 3. The following section is outright repealed:  
15 Section 23-362.01, Reissue Revised Statutes of Nebraska.

16 Sec. 4. Since an emergency exists, this act takes effect  
17 when passed and approved according to law.