

AMENDMENTS TO LB 1003

(Amendments to Standing Committee amendments, AM2691)

1 1. Insert the following new sections:

2 "Sec. 19. Section 49-1401, Revised Statutes Supplement,
3 2001, is amended to read:

4 49-1401. Sections 49-1401 to 49-14,141 and section 21 of
5 this act shall be known and may be cited as the Nebraska Political
6 Accountability and Disclosure Act. Any reference to sections
7 49-1401 to 49-14,138 shall be construed to include sections
8 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25,
9 1989, any reference to sections 49-1401 to 49-14,138 shall be
10 construed to include sections 49-14,123.01 and 49-14,140.

11 Sec. 20. Section 49-1493, Revised Statutes Supplement,
12 2001, is amended to read:

13 49-1493. The individuals listed in subdivisions (1)
14 through ~~(12)~~ (13) of this section shall file with the commission a
15 statement of financial interests as provided in sections 49-1496
16 and 49-1497 for the preceding calendar year on or before April 1 of
17 each year in which such individual holds such a position. An
18 individual who leaves office shall, within thirty days after
19 leaving office, file a statement covering the period since the
20 previous statement was filed. Disclosure of the interest named in
21 sections 49-1496 to 49-1498 shall be made by:

22 (1) An individual holding a state executive office as
23 provided in Article IV of the Constitution of Nebraska, including

1 the Governor, Lieutenant Governor, Secretary of State, Auditor of
2 Public Accounts, State Treasurer, Attorney General, Tax
3 Commissioner, and heads of such other executive departments as set
4 forth in the Constitution or as may be established by law;

5 (2) An individual holding the office of Commissioner of
6 Education, member of the State Board of Education, member of the
7 Board of Regents of the University of Nebraska with the exception
8 of student members, or member of the Coordinating Commission for
9 Postsecondary Education;

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

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

12 (5) A member of the Legislature;

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

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

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

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

23 (10) An elected county official;

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

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

1 ~~(12)~~ (13) An official or employee of the state designated
2 by rules and regulations of the commission who is responsible for
3 taking or recommending official action of a nonministerial nature
4 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
9 person; or
10 (e) Any similar action.

11 Sec. 21. Any member of the Nebraska Environmental Trust
12 Board who is also a director of a state agency shall abstain from
13 voting on applications pursuant to the Nebraska Environmental Trust
14 Act which would provide funding primarily to his or her agency.

15 Sec. 28. Section 81-15,167, Revised Statutes Supplement,
16 2000, is amended to read:

17 81-15,167. Sections 81-15,167 to 81-15,176 and section
18 30 of this act shall be known and may be cited as the Nebraska
19 Environmental Trust Act.

20 Sec. 29. Section 81-15,170, Revised Statutes Supplement,
21 2000, is amended to read:

22 81-15,170. The Nebraska Environmental Trust Board is
23 hereby created as an entity of the executive branch. The board
24 shall consist of the Director of Environmental Quality, the
25 Director of Regulation and Licensure, the Director of Natural
26 Resources, the Director of Agriculture, the secretary of the Game
27 and Parks Commission, and nine citizens appointed by the Governor

1 with the approval of a majority of the Legislature. The citizen
2 members shall begin serving immediately following notice of
3 nomination and prior to approval by the Legislature. The citizen
4 members shall represent the general public and shall have
5 demonstrated competence, experience, and interest in the
6 environment of the state. Two of the citizen appointees shall also
7 have experience with private financing of public-purpose projects.
8 Three appointees shall be chosen from each of the three
9 congressional districts. The board shall hire an executive
10 director who shall hire and supervise other staff members as may be
11 authorized by the board. The executive director shall serve at the
12 pleasure of the board and be solely responsible to it. The Game
13 and Parks Commission shall provide administrative support,
14 including, but not limited to, payroll and accounting functions, to
15 the board. For administrative purposes only, the board shall be
16 part of the Game and Parks Commission.

17 Sec. 30. Members of the board shall comply with the
18 conflict of interest provisions of the Nebraska Political
19 Accountability and Disclosure Act. Any member of the board who is
20 also a director of a state agency shall abstain from voting on
21 applications which would provide funding primarily to his or her
22 agency.

23 Sec. 31. Section 81-15,175, Revised Statutes Supplement,
24 2000, is amended to read:

25 81-15,175. (1) The board may make an annual allocation
26 from the Nebraska Environmental Trust Fund to the Nebraska
27 Environmental Endowment Fund as provided in section 81-15,174.01.

1 The board shall make annual allocations from the Nebraska
2 Environmental Trust Fund and may make annual allocations from the
3 Nebraska Environmental Endowment Fund for projects which conform to
4 the environmental priorities of the board established pursuant to
5 section 81-15,176 and to the extent the board determines those
6 projects to have merit. The board shall establish an annual
7 calendar for receiving and evaluating proposals and awarding
8 grants. To evaluate the economic, financial, and technical
9 feasibility of proposals, the board may establish subcommittees,
10 request or contract for assistance, or establish advisory groups.
11 Private citizens serving on advisory groups shall be reimbursed for
12 their actual and necessary expenses pursuant to sections 81-1174 to
13 81-1177.

14 (2) The board shall establish a rating system for ranking
15 proposals which meet the board's environmental priorities and other
16 criteria. The rating system shall include, but not be limited to,
17 the following considerations:

18 (a) Conformance with priorities established pursuant to
19 section 81-15,176;

20 (b) Amount of funds committed from other funding sources;

21 (c) Encouragement of public-private partnerships;

22 (d) Geographic mix of projects over time;

23 (e) Cost effectiveness and economic impact;

24 (f) Direct environmental impact; and

25 (g) Environmental benefit to the general public and the
26 long-term nature of such public benefit.

27 (3) ~~The results of the annual rating of proposals shall~~

1 ~~guide the board's allocation of funds, except that the board may~~
2 ~~assign a higher rating to any proposal with an affirmative vote of~~
3 ~~eleven members. The motion for such an action shall specify the~~
4 ~~reasons for such action. The board may commit funds to multiyear~~
5 ~~projects, subject to available funds and appropriations. No~~
6 ~~commitment shall exceed three years without formal action by the~~
7 ~~board to renew the grant or contract. Multiyear commitments may be~~
8 ~~exempt from the rating process, except for the initial application~~
9 ~~and requests to renew the commitment.~~

10 (4) The board may establish a subcommittee to rate grant
11 applications. If the board uses a subcommittee, the subcommittee
12 shall (a) use the rating system established by the board under
13 subsection (2) of this section, (b) assign a numeric value to each
14 rating criterion, combine these values into a total score for each
15 application, and rank the applications by the total scores, (c)
16 recommend an amount of funding for each application, which amount
17 may be more or less than the requested amount, and (d) submit the
18 ranked list and recommended funding to the board for its approval
19 or disapproval.

20 (4) A motion to deviate from the subcommittee's
21 recommendations must specify the reason for doing so and be adopted
22 with an affirmative vote of not fewer than eight members of the
23 board.

24 (5) The board may commit funds to multiyear projects,
25 subject to available funds and appropriations. No commitment shall
26 exceed three years without formal action by the board to renew the
27 grant or contract. Multiyear commitments may be exempt from the

1 rating process, except for the initial application and requests to
2 renew the commitment.

3 (6) The board shall adopt and promulgate rules and
4 regulations and publish guidelines governing allocations from the
5 fund. The board shall conduct annual reviews of existing projects
6 for compliance with project goals and grant requirements.

7 (7) Every five years the board may evaluate the long-term
8 effects of the projects it funds. The evaluation may assess a
9 sample of such projects. The board may hire an independent
10 consultant to conduct the evaluation and may report the evaluation
11 findings to the Legislature and the Governor.

12 Sec. 32. Section 81-15,176, Revised Statutes Supplement,
13 2000, is amended to read:

14 81-15,176. (1) Subject to subsection (3) of this
15 section, the board shall establish environmental priorities for the
16 trust. The board, after allowing opportunity for public comment,
17 shall designate as priorities those environmental goals which most
18 affect the natural physical and biological environment in Nebraska,
19 including the air, land, ground water and surface water, flora and
20 fauna, prairies and forests, wildlife and wildlife habitat, and
21 areas of aesthetic or scenic values. In designating environmental
22 priorities, the board shall attempt to focus on the areas which
23 promise the greatest opportunities for effective action to achieve
24 and preserve the future environmental quality in the state. The
25 board shall establish priorities for five-year periods beginning
26 July 1, 1995, except that the board may make annual modifications
27 to refine and clarify its priorities. The board shall provide for

1 public involvement in developing the priorities for such five-year
2 periods, including public meetings in each of the three
3 congressional districts.

4 (2) The board shall establish criteria for determining
5 the eligibility of projects for grant assistance, which criteria
6 shall include the following:

7 (a) The grants shall not provide direct assistance to
8 regulatory programs or to implement actions mandated by regulations
9 except remediation;

10 (b) No more than sixty percent of grant allocations in
11 any year shall assist remediation of soils or ground water, and no
12 grants for this purpose shall occur unless all other available
13 sources of funding are, in the opinion of the board, being
14 substantially utilized;

15 (c) The grants shall not pay for projects which provide
16 primarily private benefits or ~~to~~ relieve private liability for
17 environmental damage;

18 (d) The grants shall not pay for projects which have
19 direct beneficiaries who could afford the costs of the benefits
20 without experiencing serious financial hardship;

21 (e) The grants should assist those projects which offer
22 the greatest environmental benefits relative to cost;

23 (f) The grants should assist those projects which provide
24 clear and direct environmental benefits;

25 (g) The grants should assist those projects which will
26 make a real contribution to achieving the board's environmental
27 priorities;

1 (h) The grants should assist those projects which offer
2 the greatest public benefits; and

3 (i) The grants shall not pay for land or easements
4 acquired without the full and express consent of the landowner.

5 (3) Until the first five-year priorities become effective
6 on July 1, 1995, the board shall observe the following priorities
7 for allocating grants:

8 (a) Critical habitat areas, including wetlands
9 acquisition, preservation, and restoration and acquisition and
10 easements of areas critical to rare or endangered species;

11 (b) Surface water quality, including actions to preserve
12 lakes and streams from degradation;

13 (c) Ground water quality, including fostering best
14 management practices as defined in section 46-656.07, actions to
15 preserve ground water from degradation, and remediation of soils or
16 ground water; and

17 (d) Development of recycling markets and reduction of
18 solid waste volume and toxicity.

19 (4) The board may refine and clarify these initial
20 priorities.".

21 2. Renumber the remaining sections and correct the
22 repealer accordingly.