

AMENDMENTS TO LB 1002

Introduced by Revenue.

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

3           Section 1. For purposes of sections 1 to 8 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 8  
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. The state assistance shall be derived from  
23 the state sales tax revenue collected from retailers within a

1 thirty-mile radius of the census-designated place.

2           Sec. 3. (1) All applications for state assistance under  
3 sections 1 to 8 of this act shall be in writing, include a  
4 certified copy of the approving action of the governing body of the  
5 applicant describing the proposed use for the state assistance, and  
6 be of such form and contain the content as the commission shall  
7 prescribe.

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 8 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) If an application is approved, the Tax  
15 Commissioner shall:

16       (a) Audit or review audits of any retailer within the  
17 thirty-mile radius of the census-designated place to determine the  
18 state sales tax revenue collected by such retailers; and

19       (b) Certify annually the amount of state sales tax  
20 revenue collected by such retailers to the State Treasurer  
21 beginning with state sales tax revenue collected on and after  
22 July 1, 2010.

23       (2) State sales tax revenue collected by retailers as  
24 described in sections 1 to 8 of this act shall be reported on  
25 informational returns developed by the Department of Revenue. The  
26 informational returns shall be submitted to the department by the  
27 retailer by the twenty-fifth day of the month following the month

1 the sales taxes are collected. The Tax Commissioner shall use the  
2 data from the informational returns to determine the appropriate  
3 amount of state sales tax revenue.

4           Sec. 7. (1) Upon the annual certification under section 6  
5 of this act, the State Treasurer shall transfer after the audit the  
6 amount certified to the Designated Sales Tax Collection Fund which  
7 is hereby created. Any money in the fund available for investment  
8 shall be invested by the state investment officer pursuant to  
9 the Nebraska Capital Expansion Act and the Nebraska State Funds  
10 Investment Act.

11           (2) It is the intent of the Legislature to appropriate  
12 from the fund to any political subdivision for which an application  
13 for state assistance under sections 1 to 8 of this act has  
14 been approved an amount not to exceed two hundred fifty thousand  
15 dollars annually from the state sales tax revenue collected by  
16 retailers within the thirty-mile radius of the census-designated  
17 place within which such political subdivision is located. If more  
18 than one applicant is approved and each applicant is eligible to  
19 receive assistance from state sales tax revenue derived from the  
20 same retailer, the commission shall determine the allocation of  
21 assistance to be distributed to each applicant.

22           Sec. 8. Sections 1 to 8 of this act terminate on June 30,  
23 2018.

24           Sec. 9. Section 81-2504, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           81-2504 The functions of the commission shall be to:

27           (1) Promote state and federal legislation beneficial to

1 the Indian community in Nebraska;

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

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

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

11 (5) Administer sections 1 to 8 of this act;

12 ~~(5)~~ (6) Provide the public with information and education  
13 relevant to Indian affairs in the State of Nebraska; and

14 ~~(6)~~ (7) Develop programs to encourage the total  
15 involvement of Indian people in activities for the common benefit  
16 of the Indian community.

17 Sec. 10. This act becomes operative on July 1, 2011.

18 Sec. 11. Original section 81-2504, Reissue Revised  
19 Statutes of Nebraska, is repealed.