

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1002

FINAL READING

(SECOND)

Introduced by Louden, 49; Ashford, 20; Coash, 27; Rogert, 16;
Karpisek, 32.

Read first time January 20, 2010

Committee: Revenue

A BILL

1 FOR AN ACT relating to political subdivisions; to amend section
2 81-2504, Reissue Revised Statutes of Nebraska; to define
3 terms; to provide for applications for state assistance;
4 to provide for notice and a hearing; to provide powers
5 and duties for the Commission on Indian Affairs; to
6 create a fund; to provide a termination date; to
7 harmonize provisions; and to repeal the original section.

8 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

21 Sec. 3. (1) All applications for state assistance under
22 sections 1 to 7 of this act shall be in writing, include a
23 certified copy of the approving action of the governing body of the
24 applicant describing the proposed use for the state assistance, and
25 be of such form and contain the content as the commission shall

1 prescribe and publish for distribution to a political subdivision
2 upon request.

3 (2) Upon receiving an application for state assistance,
4 the commission shall review the application and notify the
5 applicant of any additional information needed for a proper
6 evaluation of the application.

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

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

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

19 (3) At the public hearing, representatives of the
20 applicant and any other interested persons may appear and present
21 evidence and argument in support of or in opposition to the
22 application or neutral testimony. The commission may seek expert
23 testimony and may require testimony of persons whom the commission
24 desires to comment on the application. The commission may provide
25 for the acceptance of additional evidence after conclusion of the

1 public hearing.

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

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

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

11 Sec. 6. (1) The State Treasurer shall for FY2010-11
12 transfer on the effective date of this act twenty-five thousand
13 dollars from the General Fund to the Designated Collection Fund
14 which is hereby created. Any money in the fund available for
15 investment shall be invested by the state investment officer
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act.

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

24 Sec. 7. Sections 1 to 7 of this act terminate on June 30,
25 2018.

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

3 81-2504 The functions of the commission shall be to:

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

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

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

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

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

16 ~~(5)~~ (6) Provide the public with information and education
17 relevant to Indian affairs in the State of Nebraska; and

18 ~~(6)~~ (7) Develop programs to encourage the total
19 involvement of Indian people in activities for the common benefit
20 of the Indian community.

21 Sec. 9. Original section 81-2504, Reissue Revised
22 Statutes of Nebraska, is repealed.