

E AND R AMENDMENTS TO LB 366

Introduced by Larson, 40, Chairperson Enrollment and Review

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

3 Section 1. Section 81-15,175, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-15,175 (1) The board may make an annual allocation
6 each fiscal year from the Nebraska Environmental Trust Fund to
7 the Nebraska Environmental Endowment Fund as provided in section
8 81-15,174.01. The board shall make annual allocations from the
9 Nebraska Environmental Trust Fund and may make annual allocations
10 each fiscal year from the Nebraska Environmental Endowment Fund
11 for projects which conform to the environmental categories of the
12 board established pursuant to section 81-15,176 and to the extent
13 the board determines those projects to have merit. The board
14 shall establish a calendar annually for receiving and evaluating
15 proposals and awarding grants. To evaluate the economic, financial,
16 and technical feasibility of proposals, the board may establish
17 subcommittees, request or contract for assistance, or establish
18 advisory groups. Private citizens serving on advisory groups shall
19 be reimbursed for their actual and necessary expenses pursuant to
20 sections 81-1174 to 81-1177.

21 (2) The board shall establish rating systems for ranking
22 proposals which meet the board's environmental categories and other
23 criteria. The rating systems shall include, but not be limited to,

1 the following considerations:

2 (a) Conformance with categories established pursuant to
3 section 81-15,176;

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

5 (c) Encouragement of public-private partnerships;

6 (d) Geographic mix of projects over time;

7 (e) Cost-effectiveness and economic impact;

8 (f) Direct environmental impact; and

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

11 (3) The board may establish a subcommittee to rate grant
12 applications. If the board uses a subcommittee, the meetings of
13 such subcommittee shall be subject to the Open Meetings Act. The
14 subcommittee shall (a) use the rating systems established by the
15 board under subsection (2) of this section, (b) assign a numeric
16 value to each rating criterion, combine these values into a total
17 score for each application, and rank the applications by the total
18 scores, (c) recommend an amount of funding for each application,
19 which amount may be more or less than the requested amount, and
20 (d) submit the ranked list and recommended funding to the board
21 for its approval or disapproval. ~~A motion to deviate from the~~
22 ~~subcommittee's recommendations must specify the reason for doing so~~
23 ~~and be adopted with an affirmative vote of not fewer than eight~~
24 ~~members of the board.~~

25 (4) The board may commit funds to multiyear projects,
26 subject to available funds and appropriations. No commitment shall
27 exceed three years without formal action by the board to renew the

1 grant or contract. Multiyear commitments may be exempt from the
2 rating process except for the initial application and requests to
3 renew the commitment.

4 (5) The board shall adopt and promulgate rules and
5 regulations and publish guidelines governing allocations from the
6 fund. Such rules and regulations shall include, but not be limited
7 to, rules and regulations providing for a public hearing on the
8 proposed projects and funding and providing that the board shall
9 make no decision on the proposed projects and funding until at
10 least thirty days after such public hearing. The board shall
11 conduct annual reviews of existing projects for compliance with
12 project goals and grant requirements.

13 (6) Every five years the board may evaluate the long-term
14 effects of the projects it funds. The evaluation may assess
15 a sample of such projects. The board may hire an independent
16 consultant to conduct the evaluation and may report the evaluation
17 findings to the Legislature and the Governor.

18 Sec. 2. Section 84-1409, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 84-1409 For purposes of the Open Meetings Act, unless the
21 context otherwise requires:

22 (1)(a) Public body means (i) governing bodies of
23 all political subdivisions of the State of Nebraska, (ii)
24 governing bodies of all agencies, created by the Constitution of
25 Nebraska, statute, or otherwise pursuant to law, of the executive
26 department of the State of Nebraska, (iii) all independent boards,
27 commissions, bureaus, committees, councils, subunits, or any other

1 bodies created by the Constitution of Nebraska, statute, or
2 otherwise pursuant to law, (iv) all study or advisory committees
3 of the executive department of the State of Nebraska whether
4 having continuing existence or appointed as special committees with
5 limited existence, (v) advisory committees of the bodies referred
6 to in subdivisions (i), (ii), and (iii) of this subdivision, and
7 (vi) instrumentalities exercising essentially public functions; and

8 (b) Public body does not include (i) subcommittees
9 of such bodies unless a quorum of the public body attends a
10 subcommittee meeting or unless such subcommittees are holding
11 hearings, making policy, or taking formal action on behalf of
12 their parent body, except that all meetings of any subcommittee
13 established under section 81-15,175 are subject to the Open
14 Meetings Act, and (ii) entities conducting judicial proceedings
15 unless a court or other judicial body is exercising rulemaking
16 authority, deliberating, or deciding upon the issuance of
17 administrative orders;

18 (2) Meeting means all regular, special, or called
19 meetings, formal or informal, of any public body for the purposes
20 of briefing, discussion of public business, formation of tentative
21 policy, or the taking of any action of the public body; and

22 (3) Videoconferencing means conducting a meeting
23 involving participants at two or more locations through the use of
24 audio-video equipment which allows participants at each location
25 to hear and see each meeting participant at each other location,
26 including public input. Interaction between meeting participants
27 shall be possible at all meeting locations.

1 Sec. 3. Original sections 81-15,175 and 84-1409, Reissue
2 Revised Statutes of Nebraska, are repealed.

3 2. On page 1, strike beginning with "Act" in line 1
4 through line 5 and insert "Board; to amend sections 81-15,175
5 and 84-1409, Reissue Revised Statutes of Nebraska; to change
6 provisions relating to subcommittee recommendations and procedures
7 for projects and funding; to provide for applicability of the Open
8 Meetings Act; and to repeal the original sections."