

## LEGISLATIVE BILL 1002

Approved by the Governor April 14, 2010

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

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

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

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

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

(2) Commission means the Commission on Indian Affairs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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