

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1262

Introduced by Day, 49.

Read first time January 16, 2024

Committee:

1 A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend
2 sections 81-2501, 81-2504, and 81-2516, Reissue Revised Statutes of
3 Nebraska; to name the Commission on Indian Affairs Act; to change
4 provisions relating to the Commission on Indian Affairs and provide
5 for an ongoing study relating to Native American voting issues; to
6 eliminate obsolete provisions that have terminated; to repeal the
7 original sections; to outright repeal sections 81-2509, 81-2510,
8 81-2511, 81-2513, 81-2514, and 81-2515, Reissue Revised Statutes of
9 Nebraska; and to declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-2501 (1) Sections 81-2501 to 81-2517 and section 3 of this act
4 shall be known and may be cited as the Commission on Indian Affairs Act.

5 (2) ~~(1)~~ There is hereby established the Commission on Indian
6 Affairs. For purposes of the Commission on Indian Affairs Act sections
7 ~~81-2501 to 81-2508~~, commission means ~~shall mean~~ the Commission on Indian
8 Affairs.

9 (3) ~~(2)~~ The commission shall consist of fourteen members who shall
10 be enrolled tribal members of a federally recognized Indian tribe
11 residing within the State of Nebraska and from the following categories:
12 Two from the Omaha Tribe reservation; two from the Winnebago Tribe
13 reservation; two from the Santee Tribe reservation; two from the Ponca
14 Tribe of Nebraska; one from the city of Lincoln; two from the city of
15 Omaha; one from the district comprised of Sioux, Dawes, Sheridan, and Box
16 Butte counties; one from the district comprised of Garden, Deuel,
17 Cheyenne, Kimball, Banner, Morrill, and Scotts Bluff counties; and one
18 member at large. The commission may have such nonvoting, ex officio
19 members as shall be appointed by the commission and who need not be of
20 Indian ancestry. The commission shall elect one of its members as
21 chairperson. Members of the commission shall serve four-year terms or for
22 the unexpired term in the event of a vacancy, except that when making the
23 initial appointments of members representing new categories or districts
24 one-half of the members shall serve two-year terms and one-half of the
25 members shall serve four-year terms. Members of the commission serving on
26 September 6, 1991, shall serve until their terms expire.

27 (4) ~~(3)~~ As the terms of the voting members expire, their successors
28 shall be appointed by the Governor from a panel of nominees submitted by
29 the group to be represented, with three names being submitted for each
30 appointment to be made.

31 (a) Nominations for successors representing the Omaha Tribe

1 reservation, the Winnebago Tribe reservation, and the Santee Tribe
2 reservation shall be submitted by the respective tribal councils.

3 (b) The initial and subsequent nominations for appointment of
4 members to represent the Ponca Tribe of Nebraska shall be made by the
5 Tribal Council of the tribe.

6 (c) The initial and subsequent nominations for appointment of
7 members representing the districts specified in subsection (3) ~~(2)~~ of
8 this section shall be made by separate panels comprised of five residents
9 of each district. The composition and terms of membership on such panels
10 shall be determined by the commission. Each panel shall be governed by
11 rules and regulations established by the commission.

12 (d) Nominations for successors representing the cities of Lincoln
13 and Omaha shall be governed by rules and regulations established by the
14 commission to insure adequate representation for those American Indian
15 residents of the respective cities.

16 (e) The initial and subsequent nominations for appointment of the
17 member at large shall be governed by rules and regulations established by
18 the commission to insure adequate representation for those Nebraska
19 residents of American Indian ancestry not otherwise represented on the
20 commission.

21 (f) Appointments for unexpired terms shall follow the same procedure
22 as for initial and subsequent appointments. Voting members shall be
23 eligible for reappointment.

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

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

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

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

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

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

6 (5) Administer section 3 of this act ~~sections 81-2509 to 81-2515~~;

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

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

11 Sec. 3. (1) The commission shall contract with a consultant with
12 expertise in tribal issues to conduct an ongoing study to determine any
13 barriers to voting and equal representation for Indian tribes in
14 Nebraska. The findings of such ongoing study and any recommended policy
15 change shall be submitted electronically to the State-Tribal Relations
16 Committee of the Legislature and the Government, Military and Veterans
17 Affairs Committee of the Legislature on or after December 1, 2025, but
18 not later than December 31, 2025. An updated report shall be submitted on
19 or after December 1, 2027, but not later than December 31, 2027, and on
20 or after December 1 of each even-numbered year thereafter, but not later
21 than December 31 of such year.

22 (2) The commission shall conduct such ongoing study in collaboration
23 with the following individuals:

24 (a) The chairperson of the State-Tribal Relations Committee of the
25 Legislature or the designee of such chairperson;

26 (b) The chairperson of the Government, Military and Veterans Affairs
27 Committee of the Legislature or the designee of such chairperson;

28 (c) The executive director of the Commission on Indian Affairs or
29 the designee of such executive director; and

30 (d) The Secretary of State or the designee of the Secretary of
31 State.

1 (3) The commission may consult with the following individuals when
2 conducting the ongoing study:

3 (a) Any expert in barriers to voting for Native American people;

4 (b) Any county or state election official;

5 (c) Any service provider on reservations;

6 (d) Any educational institution;

7 (e) Any representative from an association of county officials;

8 (f) Any nonprofit organization that provides services or has
9 information relating to voting rights;

10 (g) Any Secretary of State from another state in the United States
11 who has improved voting access for Native Americans; and

12 (h) The federal Interagency Steering Group on Native American Voting
13 Rights, created by Executive Order 14019 issued on March 7, 2021.

14 (4) The purpose of the ongoing study is to research any barrier to
15 voting in any election for Native American people and to recommend ways
16 to mitigate or eliminate any such barrier.

17 (5) The commission may do the following while conducting the ongoing
18 study:

19 (a) Collect, examine, and analyze data on voter registration and
20 voting on tribal land in Nebraska;

21 (b) Identify any barrier to voting for Native Americans in Nebraska;

22 (c) Encourage and obtain input from nonprofit organizations, faith-
23 based institutions, and city, county, and tribal government officials to
24 evaluate and develop strategies and solutions to increase election
25 accessibility;

26 (d) Study or evaluate the status and effectiveness of policies,
27 procedures, and programs implemented in other states directed toward
28 Native American populations as they relate to election accessibility on
29 tribal land;

30 (e) Evaluate the adequacy of policy coordination between counties
31 and tribes and recommend changes as necessary; and

1 (f) Recommend any change to any policy, procedure, or program to
2 address any barrier to voting in any election for Native American people
3 in Nebraska.

4 Sec. 4. Section 81-2516, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 81-2516 The Commission on Indian Affairs Cash Fund is created. The
7 fund shall be administered by the Commission on Indian Affairs. The fund
8 shall consist of money from contracts, fees, grants, or gifts from
9 nonfederal sources received by the state and any investment income earned
10 on the fund. The fund may be used to support the commission's operations
11 pursuant to the Commission on Indian Affairs Act sections 81-2501 to
12 81-2508. The Department of Administrative Services may for accounting
13 purposes create subfunds of the fund to segregate awards or allocations
14 received. Any money in the fund available for investment shall be
15 invested by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act.

17 Sec. 5. Original sections 81-2501, 81-2504, and 81-2516, Reissue
18 Revised Statutes of Nebraska, are repealed.

19 Sec. 6. The following sections are outright repealed: Sections
20 81-2509, 81-2510, 81-2511, 81-2513, 81-2514, and 81-2515, Reissue Revised
21 Statutes of Nebraska.

22 Sec. 7. Since an emergency exists, this act takes effect when
23 passed and approved according to law.