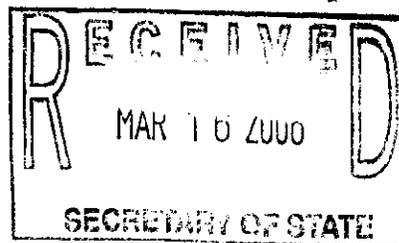


**AFFIRMATIVE**  
PUBLIC POLICY SOLUTIONS



**SWORN STATEMENT**

The undersigned, being first duly sworn, states under oath that the following are the names and street addresses of every person, corporation, or association sponsoring the Initiative Petition to consider a statute to affirm the sovereign right of Native American tribal governments to conduct gaming on Indian lands for economic and community development purposes:

Affirmative Public Policy Solutions  
10844 Old Mill Road, Suite 4  
Omaha, NE 68154

Omaha Tribe of Nebraska  
Eleanor Baxter, Tribal Chairperson  
100 Main Street  
Macy, NE 68039

Santee Sioux Nation  
Roger Trudell, Tribal Chairperson  
425 Frazier Ave N. Suite 2  
Niobrara, NE 68760

Winnebago Tribe of Nebraska  
John Blackhawk, Tribal Chairperson  
Blackhawk Community Center  
Hwy 77  
P.O. Box 687  
Winnebago, NE 68071-0687

Ben Thompson  
Ben Thompson, Managing Partner  
Affirmative Public Policy Solutions

3/16/06  
Date

STATE OF NEBRASKA  
COUNTY OF Douglas

Subscribed and sworn to before me this 16 day of March, 2006.

Karen K Fisher  
NOTARY PUBLIC



**INITIATIVE PETITION  
(STATUTE)**

**OBJECT STATEMENT: TO AFFIRM THE SOVEREIGN RIGHT OF NATIVE AMERICAN TRIBAL GOVERNMENTS TO CONDUCT GAMING ON INDIAN LANDS FOR ECONOMIC AND COMMUNITY DEVELOPMENT PURPOSES; TO OFFER PARTICIPATING ELIGIBLE TRIBAL GOVERNMENTS THE OPPORTUNITY TO OPERATE ONE CASINO OUTSIDE INDIAN LANDS ON SPECIFIED CONDITIONS AND IN LIEU OF GAMING ON INDIAN LANDS**

A BILL

FOR AN ACT relating to gaming by Indian tribes; to amend section 9-1,106, Reissue Revised Statutes of Nebraska; to authorize gaming for economic and community development purposes; to require compact negotiations; to waive sovereign immunity; to provide severability; and to repeal the original section.

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

Section 1. Section 9-1,106, Reissue Revised Statutes of Nebraska, is amended to read:

9-1,106 (1) Upon request of an Indian tribe having jurisdiction over Indian lands in Nebraska, the Governor or his or her designated representative or representatives shall, pursuant to 25 U.S.C. 2710 of the federal Indian Gaming Regulatory Act, negotiate with such Indian tribe in good faith for the purpose of entering into a tribal-state compact governing the conduct of Class III gaming as defined in the act. For purposes of 25 U.S.C. 2710(d)(1)(B), Class III gaming permitted includes any Class III gaming allowed, as of the date compact negotiations are first requested, by any state adjoining Nebraska. A compact which is negotiated pursuant to this section shall be executed by the Governor without ratification by the Legislature.

(2) It shall be the policy of this state that any compact negotiated pursuant to this section shall (a) protect the health, safety, and welfare of the public and (b) promote tribal economic development, tribal self-sufficiency, and strong tribal government.

(3) Such compact negotiations shall be conducted pursuant to the provisions of 25 U.S.C. 2710 of the federal Indian Gaming Regulatory Act.

(4) In recognition of the sovereign right and responsibility of Native American tribal governments to promote the development of tribal economies and tribal communities, a federally recognized tribal government having its administrative headquarters on federal Indian reservations in Nebraska, originally established by treaty prior to 1866 or by executive order prior to 1867, and existing as of January 1, 2006 ("eligible tribal governments"), may exclusively own and operate, with other participating eligible tribal governments, if any, one casino (state-authorized casino) outside Indian lands, as defined at 25 U.S.C. 2703 that may offer any games of chance allowed, as of the date compact negotiations are first requested, by any state adjoining Nebraska and such other games of chance independently authorized under Nebraska law, if each eligible tribal government choosing to participate agrees in a resolution of its governing body to:

(a) Form a foundation with other participating eligible tribal governments, if any, that will annually distribute cash grants equal to thirty percent of the state-authorized casino's net revenues, as defined at 25 U.S.C. 2703, in lieu of any state

annual gaming or income taxes that would otherwise apply to the state-authorized casino, if any, according to the following formula:

(i) Seventy percent of the cash grants shall be directed to school districts in Nebraska according to need;

(ii) Twenty percent of the cash grants shall be directed to county and municipal governments in Nebraska according to need;

(iii) Five percent of the cash grants shall be directed to the State Racing Commission or one or more organizations that support the horseracing industry in Nebraska, or both the Commission and such organizations, at the foundation's discretion; and

(iv) Five percent of the cash grants shall be directed to the Compulsive Gamblers Assistance Fund;

(b) Use any profits received from the state-authorized casino for tribal economic and community development purposes;

(c) Compact with the Governor or his or her designated representative or representatives to establish reasonable standards governing the operation of the state-authorized casino, except that no participating eligible tribal government shall be required to share any revenue in excess of its share of the cash grants specified in subdivision (4)(a) of this section;

(d) Share an equal interest in the state-authorized casino with other participating eligible tribal governments, if any, that agree to the conditions in this section;

(e) For the purpose of resolving disputes relating to the operation of the state-authorized casino, either waive sovereign immunity from suit on a limited basis or operate such casino as a corporation or limited liability company chartered under the laws of Nebraska; and

(f) Refrain from exercising its sovereign and federal right to operate Class III gaming on Indian lands within Nebraska pursuant to the federal Indian Gaming Regulatory Act while sharing an interest in the state-authorized casino and while the state-authorized casino is in operation, unless one or more other state-authorized casinos are permitted in Nebraska.

(5) The Governor or his or her designated representative or representatives shall negotiate in good faith with any eligible tribal government for the purpose of entering into a tribal-state compact governing the conduct of games of chance outside Indian lands. A compact which is negotiated pursuant to this section shall be executed by the Governor without ratification by the Legislature.

(6) The Attorney General is exclusively authorized on behalf of the State of Nebraska to enforce the provisions of any compact executed under this section.

(7) The State of Nebraska hereby waives its sovereign immunity to civil suit brought by any federally recognized tribal government having administrative headquarters in Nebraska as of January 1, 2006, to enforce the provisions of this section or any provision of 25 U.S.C. 2710.

(8) If any part of this section is rendered or declared invalid by a court of competent jurisdiction or an administrative action, then the remaining parts of this section are severable and shall survive to the extent they can be given effect.

Section 2. Original section 9-1,106, Reissue Revised Statutes of Nebraska, is repealed.