

**Boards and Commissions  
in Nebraska, 2002**

---

*Prepared by*  
**Kate Gaul**  
**Research Analyst**  
**Legislative Research Division**

*Edited by*  
**Nancy Cyr**

*Formatted by*  
**Nancy Cherrington**

---

**LRD Report 2002-3**

---

**July 2002**



# CONTENTS

---

<b>Legislative Action Affecting Boards and Commissions.....</b>	<b>1</b>
<b>New Boards.....</b>	<b>1</b>
<b>Revamped Boards .....</b>	<b>2</b>
<b>Repealed Boards .....</b>	<b>3</b>
<b>Actions Affecting Existing Boards .....</b>	<b>4</b>
<b>Nebraska Boards and Commissions Tables .....</b>	<b>5</b>
<b>Table 1 – Nebraska Boards and Commissions</b>	
<b>Created by the Legislature in 2002.....</b>	<b>7</b>
<b>Table 2 – Nebraska Boards and Commissions</b>	
<b>Legislative Confirmation and Statutorily</b>	
<b>Authorized Per Diems/Expenses .....</b>	<b>9</b>

## APPENDICES

- Appendix A – The Appointment Process in Nebraska**
- Appendix B – Rules of the Nebraska Legislature pertaining to the confirmation process**



# BOARDS AND COMMISSIONS IN NEBRASKA, 2002

---

## Legislative Action Affecting Boards and Commissions

In 2002, the Legislature created four new boards, renamed the State Board of Agriculture the Nebraska State Fair Board and significantly altered its makeup, and merged two existing boards pertaining to child support into one. Further, 19 boards were statutorily disbanded, 18 in one bill introduced by the Government, Military and Veterans Affairs Committee as part of its biennial duty to review the state's boards and commissions. Finally, two boards were de facto disbanded when their funding was cut; however, both remain in statute.

### New Boards

*Interpreter Review Board (LB 22)*. This board was created to help the Commission for the Deaf and Hard of Hearing carry out its duties pertaining to licensing interpreters. The board's duties include: (1) setting policies and procedures for evaluating and licensing interpreters for the deaf and hard of hearing; (2) investigating claims that appointing authorities (state agencies, law enforcement, courts, and schools) are using unlicensed interpreters; and (3) serving as a board of inquiry for license revocations. The board consists of the Director of Health and Human Services or designee; the executive director of the commission or designee; two deaf or hard of hearing persons; two licensed interpreters; and two members representing local government. Appointments are made by the commission.

*Motor Vehicle Insurance Data Base Task Force (LB 488)*. This task force was created to investigate the best practices of the auto insurance industry and to recommend what information should be transmitted to the Department of Motor Vehicles for inclusion in its motor vehicle insurance data base and the form by which this information is to be transmitted. The data base is to be used for proof of insurance when registering motor vehicles. The task force must complete a written report of its recommendations and submit it to the department and the Clerk of the Legislature by September 30, 2003. The task force membership is comprised of the Director of Motor Vehicles or designee; the Director of Insurance or designee; three representatives of insurance interests appointed by the Director of Insurance; and four members selected by the Director of Motor Vehicles. The bill sets a sunset date of July 1, 2004, but allows the Director of Motor Vehicles to reconvene the task force at any time thereafter as deemed necessary.

*Water Policy Task Force (LB 1003).* This task force was created to study the management and use of Nebraska surface and ground water and to make recommendations based upon its findings to the Legislature and the Governor. The bulk of the membership is appointed by the Governor and includes 20 irrigators, with at least one irrigator from each of the state's 13 river basins, balanced between surface-water users and ground-water users; three representatives from differing agricultural organizations; two representatives from differing environmental organizations; two representatives from differing recreational organizations; three persons to represent the state at-large; five representatives suggested by the Nebraska Association of Resources Districts; four representatives suggested by the Nebraska Power Association; five representatives balanced between larger and smaller municipalities suggested by the League of Nebraska Municipalities; and such other members as the Governor deems appropriate. Additionally, the Department of Natural Resources and the Attorney General's office are each to contribute a member to the task force. Finally, the chairperson of the Legislature's Natural Resources Committee is appointed to the task force, as well as any other interested members of the Legislature. The bill also provides for the appointment of an executive committee from among the task force members and provides for paid staff, including a meeting facilitator. The task force must complete its work within 18 months after the Governor notifies the Legislature that all appointments to the task force have been made.

*Fatigue Counter Measure Task Force (LB 1168).* This task force was created to study the issue of fatigue as it relates to railroad employees in Nebraska and present a report to the Legislature by December 1, 2002. The Governor appoints the members, who include the chairperson of the Business and Labor Committee; the chairperson of the Transportation and Telecommunications Committee; four members representing Class I railroads operating in Nebraska, with equal numbers from management and labor; one Public Service Commission member; two health or safety professionals knowledgeable in work fatigue issues; and two members of the general public interested in railroad safety. The task force terminates upon presentation of its report.

## **Revamped Boards**

*Nebraska State Fair Board (LB 1236).* This board was created to replace the former 29-member State Board of Agriculture in an effort to reverse the declining fortunes of the Nebraska State Fair. The board is comprised of 11 voting members, four of whom are appointed by the Governor and confirmed by the Legislature. Of these four, two must represent the Lincoln business community, one the Omaha business community, and one the business community of the state at-large. Seven members are nominated and selected from existing county fair districts. Finally, serving as ex-officio members, are the chairperson of

the Nebraska Arts Council and the chancellor of the University of Nebraska-Lincoln or their designees. In a break from tradition, no member of the Legislature may serve on the board.

*State Disbursement and Child Support Advisory Commission (LB 1062).* This commission was created with the merger of the State Disbursement Advisory Commission and the Child Support Commission. It has numerous statutory duties relating to the state child support disbursement unit, the review of the child support guidelines, and child support issues in general. For administrative purposes, the commission is managed and administered by the Legislative Council. The membership, which is appointed by the Executive Board of the Legislative Council, includes two district court judges whose jurisdiction includes domestic relations; one member of the Nebraska State Bar Association who practices primarily in the area of domestic relations; one county attorney who works in child support; one professional who works in the field of economics or mathematics or another field of expertise relevant to child support; two members of the Legislature; one custodial parent who has a court order to receive child support; and one noncustodial parent who is under a support order to pay child support. The three ex-officio members are the vendor operating the State Disbursement Unit or designee; the State Court Administrator or designee; and the Director of the Title IV-D Division of the state Health and Human Services System or designee. Under the bill, the terms of all members of the State Disbursement Advisory Commission, as established by Laws 2000, LB 972, terminate on June 30, 2002, and the Child Support Advisory Commission is outright repealed.

### **Repealed Boards**

- *Accessibility Advisory Committee (LB 93).*
- *Chronic Renal Disease Advisory Committee (LB 93).*
- *Council of Certified Nurse Midwifery (LB 93).*
- *Employment Expansion and Investment Incentive Act Review Panel (LB 93).*
- *Expert Review Panel for Infected Health Care Workers (LB 93).*
- *Firefighter Training Advisory Committee (LB 93).*
- *Instructional Telecommunications Advisory Commission (LB 93).*
- *Manufactured Home and Recreational Vehicle Advisory Committee (LB 93).*
- *Medical Literature Review Panel (LB 93).*

- *Medically Handicapped Children's Committee (LB 93).*
- *Modular Housing Advisory Board (LB 93).*
- *Motor Carrier Advisory Council (LB 93).*
- *Motorcycle Safety Advisory Committee (LB 93).*
- *Native American Foster Care Advisory Committee (LB 93).*
- *Pesticide Rules and Regulations Advisory Committee (LB 93).*
- *Radiation Advisory Council (LB 93).*
- *Rehabilitation Advisory Council (LB 93).*
- *Veterans Coordinating Committee (LB 93).*
- *Nebraska Budget Act Advisory Board (LB 568).*

### **Actions Affecting Existing Boards**

This annual publication does not track every legislative change made to the state's boards. However, significant changes (for example those affecting a board's structure, essential function, or funding) are briefly noted below.

*Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) and the Jail Standards Advisory Board (LB 93).* LB 93 removes the statutory requirement that a district court judge serve as a member of both these boards. The action was prompted by *State ex rel. Stenberg v. Murphy*, 247 Neb. 358, 527 N.W. 2d (1995), in which the Nebraska Supreme Court ruled that the statutory requirement for the judge to serve on the Crime Commission violates the separation of powers clause of the Nebraska Constitution, Article II, section 1.

*Nebraska Commission on Public Advocacy (LB 876).* LB 876 makes some important technical changes in the statutory language by which the Nebraska Commission on Public Advocacy receives funding to carry out its duties in reimbursing counties which meet the standards it sets for county indigent defense systems and for the DNA Testing Act. The bill also exempts the commission from being subject to the State Personnel System.

*Nebraska Futures Center Board (special session).* In the budget-cutting special session of 2001, the funding for the Nebraska Futures Center was eliminated. Just enacted by Laws 2001, LB 772, neither the center nor its board ever became operational. A bill in the 2002 session, LB 1014, would have repealed the implementing statutes for the center. That bill was advanced to General File, but died at the end of the session.



*Nebraska Rural Development Commission (LB 1309).* LB 1309, the biennial budget adjustment bill, eliminated the commission's funding. However, the commission remains in statute.

*Niobrara Council (LB 1003).* LB 1003 clarifies the scope of the Niobrara Council's authority in four primary ways. They are: (1) The council can promulgate its own rules and internal policies to carry out the purposes of the Niobrara Scenic River Act; (2) the council must get the approval of the local governing body before acquiring conservation easements outside the boundary of the Niobrara scenic river corridor; (3) the council has the authority to review zoning variances of any type that affect land within the corridor; and (4) the council has 90 days to review license applications and proposed activities within the scenic corridor.

---

## **Nebraska Boards and Commissions Tables**

The following tables list the statutorily created boards in Nebraska, whether legislative confirmation is required for appointees, the per diem rate if paid, and whether expenses are authorized within the statute creating the board. (Neb. Rev. Stat. secs. 81-1178, 81-1179, and 81-1180 authorize expense reimbursement to board members whether or not the statute creating the board specifies this.) The first table, the 2002 Update, lists only those boards created during the 2002 legislative session. The second table lists all of the statutorily created boards.



TABLE 1

# Nebraska Boards and Commissions Created by the Legislature in 2002

## Legislative Confirmation and Statutorily Authorized Per Diems/Expenses

Board/Commission	Bill Number	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
Fatigue Counter Measure Task Force	LB 1168	74-922			N
Interpreter Review Board	LB 22	71-4728.05			Y
Motor Vehicle Insurance Data Base Task Force	LB 488	60-302.05			N
Nebraska State Fair Board <sup>1</sup>	LB 1236	2-101	✓ <sup>2</sup>		N
State <sup>3</sup> Disbursement and Child Support Advisory Commission	LB 1062	43-3342.05	— <sup>4</sup>		Y
Water Policy Task Force	LB 1003	46-2,132			N

1. Formerly known as State Board of Agriculture, this board has been significantly changed.
2. Four of the 11 members are appointed by the Governor and confirmed by the Legislature.
3. Board formed by the merger of the State Disbursement Advisory Commission and the Child Support Commission.
4. The Executive Board of the Legislative Council appoints nine of 12 members.



TABLE 2

# Nebraska Boards and Commissions

## Legislative Confirmation and Statutorily Authorized Per Diems/Expenses

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
1. Abstracters Board of Examiners	76-540 et seq.		\$50	Y
2. Accountability and Disclosure Commission, Nebraska	49-14, 105 et seq.	✓	\$50	Y
3. Accreditation Committee, State	79-703			N
4. Advanced Registered Nurse Practitioners, Board of	71-1718.01 et seq.		\$30	Y
5. Advocacy, Commission on Public	29-3923			Y
6. Advisory Council, State	48-610		\$40	Y
7. Aeronautics Commission, Nebraska	3-104			Y
8. Affirmative Action Committee	81-1363, et seq.			Y
9. Affordable Housing Committee, Nebraska	81-1281			Y
10. Aging Advisory Committee	68-1101			Y
11. Agricultural Structure Assessment Task Force	2-5201			Y
12. Alcoholism and Drug Abuse Advisory Committee	71-5024 et seq.			Y
13. Anatomical Board, State	71-1001 et seq.			N

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
14. Antique Farm Machinery and Equipment Commission	51-601			Y
15. Appraisers for Educational Lands and Funds, Board of	72-22403(1)		\$50	Y
16. Aquaculture Board	2-5003			Y
17. Arts Council, Nebraska	82-309 et seq.	✓		Y
18. Athletic Advisory Committee	81-8, 139.01			Y
19. Athletic Training, Board of Examiners in	71-112 et seq.		\$20	Y
20. Audiology and Speech Language Pathology, Board of Examiners in	71-112 et seq.		\$20	Y
21. Barber Examiners, Board of	71-221		\$75	Y
22. Beginning Farmer Board	77-5204 et seq.	✓		Y
23. Big Blue River Compact Administration	1-115 Appendix			Y
24. Biopower Steering Committee	66-1701			Y
25. Blind and Visually Impaired, Commission for the	71-8604	✓	\$70	Y
26. Boiler Safety Code Advisory Board	48-739 et seq.	✓	\$50	Y
27. Boundary Commission, Nebraska	1-120 Appendix			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
28. Brand Committee, Nebraska	54-135 et seq.			Y
29. Breast and Cervical Cancer Advisory Committee	71-7012			Y
30. Building Renewal, Task Force for, "LB 309 Task Force"	81-174 et seq.		— <sup>2</sup>	Y
31. Canvassers, State Board of	32-1037 et seq.			N
32. Capitol Commission, Nebraska	81-1108-32			Y
33. Capitol Environs Commission, Nebraska State	90-306 et seq.			N
34. Capital Facilities Planning Committee, State Comprehensive	81-1108.41			Y
35. Carbon Sequestration Advisory Committee	2-5302			Y
36. Central Interstate Low-Level Radioactive Waste Commission	71-3521 & 81-1599.02	✓		N
37. Certified Registered Nurse Anesthetists, Advisory Council of	71-1736			N
38. Child Abuse Prevention Fund Board, Nebraska	43-1903 et seq.	✓		Y
39. Child Death Review Team	71-3406 et seq.			Y
40. Chiropractic, Board of	71-112		\$30	Y
41. Claims Board, State	81-8, 220 et seq.		— <sup>3</sup>	Y
42. Climate Assessment Response Committee	2-4901 et seq.	✓		Y
43. Collection Agency Licensing Board	45-603 et seq.			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
44. Colleges, Board of Trustees of Nebraska State	85-301 et seq.	✓		Y
45. Commission of Industrial Relations	48-803 et seq.	✓	\$250	Y
46. Commission on Public Advocacy	29-3923			Y
47. Communications Relay Advisory Committee	86-1307			N
48. Community-Based Neurobehavioral Rehabilitation Advisory Board	79-11,145			Y
49. Community College Aid, Grant, and Contract Review Committee, Nebraska	85-1539			N
50. Community College Board of Governors	85-1506 et seq.			Y
51. Community Development Block Grant Advisory Committee	81-1201.08			Y
52. Compulsive Gambling, Nebraska Advisory Commission on	83-162.01 et seq.	✓		Y
53. Coordinating Commission for Postsecondary Education	85-1403 et seq.	✓		Y
54. Corn Development, Utilization and Marketing Board	2-3604 et seq.		\$25	Y
55. Cosmetology, Board of	71-373		\$50	Y
56. County Attorney Standards Advisory Council	23-1213 et seq.			Y
57. County, Highway and City Street Superintendents, Board of Examiners for	39-2301 et seq.			Y



Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
58. Crime Victim's Reparations Committee	81-1802 et seq.	✓		Y
59. Critical Incident Stress Management Council	71-7105			N
60. Dairy Industry Development Board, Nebraska	2-3951 et seq.			Y
61. Deaf and Hard of Hearing, Commission for the	71-4720	✓		Y
62. Deaf and Hard of Hearing, Special Committee for the Commission for the	71-4728.03			N
63. Dentistry, Board of	71-112		\$30	Y
64. Developmental Disabilities, Advisory Committee on	83-1212.01			Y
65. Dispute Resolution, Advisory Council on	25-2905			Y
66. Dry Bean Commission	2-3745 et seq.	✓		Y
67. Early Childhood Interagency Coordinating Council	43-3401			Y
68. Economic Development Commission	81-1201.02 et seq.			Y
69. Economic Forecasting Advisory Board, Nebraska	77-27, 156 et seq.	— <sup>4</sup>		Y
70. Education and Career Preparation Task Force	79-766			Y
71. Education Commission of the States	79-1501 et seq.			N
72. Education Roundtable	85-9,184			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
73. Education, State Board of	79-301 Const. Art. VII, sec.3			Y
74. Education Technology Consortium	79-1301 et seq.			N
75. Educational Finance Authority	85-1710 et seq.			Y
76. Educational Lands and Funds, Board of	72-201 et seq.	✓	\$40	Y
77. Election Process, Task Force to Examine	32-121			Y
78. Electrical Board, State	81-2103 et seq.	✓		Y
79. Electronic Benefit System Task Force	68-1725.01			Y
80. Electronic Information Committee	50-440			N
81. Elementary and Secondary School Finance Authority, Nebraska	79-1810 et seq.			Y
82. Emergency Medical Services, Board of	71-5176	✓		Y
83. Emergency Response Commission	81-15,210 et seq.			Y
84. Engineers and Architects, Board of	81-3428 et seq.		\$30	Y
85. Enhanced Wireless 911 Advisory Board	86-461			Y
86. Environmental Health Specialists, Board of Registration for	71-3705.01		\$25	Y
87. Environmental Quality Council	81-1503	✓	\$40	Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
88. Environmental Trust Board, Nebraska	81-15, 170 et seq.	✓		Y
89. Equal Opportunity Commission, Nebraska	48-1116 et seq.		\$50	Y
90. Ethanol Board, Advisory Committee to the	66-1337			N
91. Ethanol Board, Nebraska	66-1335 et seq.	✓	\$25	Y
92. Ethanol Pricing Task Force	66-1350			Y
93. Excellence in Education Council	9-812			N
94. Excellence in Health Care Council	71-7614			Y
95. Families With Special Housing Needs, Advisory Committee on	68-1605			N
96. Fatigue Counter Measure Task Force	74-922			N
97. Fire Safety Appeals Board, Nebraska	81-502.01 et seq.			Y
98. Foster Care Review Board	43-1302 et seq.	✓		Y
99. Funeral Directing and Embalming, Board of	71-112		\$30	Y
100. Game and Parks Commission	37-101 et seq.	✓	\$35	Y
101. Geographic Information System Steering Committee	86-570			Y
102. Geologists, Board of	81-3520 et seq.		— <sup>5</sup>	Y
103. Governor's Residence Advisory Commission	72-2101 et seq.			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
104. Grain Sorghum Development, Utilization and Marketing Board	2-4002 et seq.			Y
105. Greenbelt Advisory Committee	77-1355			Y
106. Hall of Fame Commission, Nebraska	72-724 et seq.			N
107. Health Advisory Board	60-4,118.02 et seq.			Y
108. Health & Human Services System Partnership Council	81-3010 et seq.	✓	\$40	Y
109. Health, State Board of	71-2601	✓	\$20	Y
110. Hearing Aid Instrument Dispensers and Fitters, Board of	71-4715		\$25	Y
111. Highway Commission, State	39-1101 et seq.	✓	\$20	Y
112. Historical Society Board of Trustees, Nebraska State	82-101			Y
113. Housing Trust Fund Advisory Committee	58-704			N
114. Indian Affairs, Commission on	81-2501 et seq.		\$50	Y
115. Indigent Defense Standards Advisory Council	29-3932			Y
116. Industrial Competitiveness Alliance Board	81-1201.14			N
117. Inquiry and Review, Board of (Veterans)	80-318			Y
118. Interagency Management Committee	71-7106			N
119. Intergovernmental Data Communications Advisory Council	86-539			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
120. Interpreter Review Board	71-4728.05			Y
121. Interrelated Water Review Committee of the Nebraska Natural Resources Commission	46-656.61			N
122. Interstate Agricultural Grain Marketing Commission	Appendix DD			N
123. Invest Nebraska Board	77-5508	✓	\$20	N
124. Investment Council, Nebraska	72-1237			Y
125. Investment Finance Authority, Nebraska (NIFA)	58-226 et seq.			Y
126. Jail Standards Board	83-4,124 et seq.			Y
127. Judicial Nominating Commission	24-801			N
128. Judicial Qualifications Commission	24-715			Y
129. Judicial Resources Commission	24-1201 et seq.			Y
130. Juvenile Diversion, Detention, and Probation Services Implementation Team	43-360			Y
131. Labor, State Advisory Board to the Commissioner of	48-610		\$40	Y
132. Land Surveyors, Board of Examiners for	81-8,110 et seq.			Y
133. Landscape Architects, State Board of	81-8, 186 et seq.			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
134. Law Enforcement and Criminal Justice, Nebraska Commission on	81-1416 et seq.			Y
135. Library Commission, Nebraska	51-401 et seq.			Y
136. Liquor Control Commission, Nebraska	53-105 et seq.	✓	— <sup>6</sup>	Y
137. Livestock Auction Market Board	54-1160		\$10	Y <sup>7</sup>
138. Local Government Innovation and Restructuring, Nebraska Commission on	13-2301 et seq.			Y
139. Local Monitoring Committee (low-level waste)	81-15,101.01			Y
140. Massage Therapy, Board of	71-112 et seq.		\$30	Y
141. Medical Nutrition Therapy, Board of Examiners in	71-112, et seq.		\$30	Y
142. Medical Review Panel	44-2841 et seq.		\$30	Y
143. Medicine and Surgery, Board of	71-112 et seq.		\$30	Y
144. Mental Health Planning and Evaluation Council, State	71-5008		\$30	Y
145. Mental Health Practitioners, Board of	71-112 et seq.		\$30	Y
146. Mental Health Regional Governing Boards <sup>8</sup>	71-5004		\$30	Y
147. Mental Health Regional Governing Boards, Advisory Committees to <sup>9</sup>	71-5006			Y



Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
148. Mental Health Regional Quality Review Teams	71-5003.01			Y
149. Mexican-Americans, Commission on	81-8,262 et seq.		\$35	Y
150. Midwest Interstate Passenger Rail Compact Commission	74-1601			Y
151. Midwestern Higher Education Commission	85-1301 et seq.			Y
152. Missouri Basin Natural Resources Council	2-32, 103 et seq.			N
153. Motor Vehicle Industry Licensing Board	60-1402 et seq.	✓	\$50	Y
154. Motor Vehicle Insurance Data Base Task Force	60-302.05			N
155. Natural Resources Data Bank, Technical Advisory Committee to the	2-1570			N
156. Natural Resources Commission, Nebraska	2-1504	✓	\$50	Y
157. Nebraska Coalition for Juvenile Justice	43-2411			Y
158. Nebraska Center for Nursing Board	71-1799			Y
159. Nebraska Futures Center Board	50-303			Y
160. Nebraska Grape and Winery Board	53-301			Y
161. Nebraska Information Technology Commission	86-515	✓		Y
162. Nebraska Lewis and Clark Bicentennial Commission	81-8,307			Y
163. Nebraska State Fair Board <sup>10</sup>	2-101	✓ <sup>11</sup>		N

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
164. Nebraska Transit and Rail Advisory Council	74-1504 et seq.	✓		Y
165. Niobrara Council	LB 1234			Y
166. Nurse-Practitioner-Anesthetist Advisory Council	71-1736			N
167. Nursing Home Administration, Board of Examiners in	71-6065 et seq.		\$20	Y
168. Nursing Home Advisory Council	71-6044 et seq.			Y
169. Nursing, Board of	71-1,132.07 et seq.		\$25 <sup>12</sup>	Y
170. Occupational Therapy Practice, Board of	71-6115			Y
171. Oil and Gas Conservation Commission	57-904 et seq.	✓	\$50	Y
172. Optometry, Board of	71-112 et seq.		\$30	Y
173. Pardons, Board of	83-1,126 et seq.			N
174. Parole, Board of	83-188 et seq.	✓	— <sup>13</sup>	N
175. Peer Review and Quality Assurance Panel				N
176. Personnel Board, State	81-1318 et seq.	✓		N
177. Pharmacy, Board of	71-112 et seq.		\$30	Y
178. Physical Therapy, Board of	71-112 et seq.		\$30	Y
179. Physician Assistant Committee	71-1,107.25			Y



Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
180. Podiatry, Board of	71-112 et seq.		\$30	Y
181. Police Standards Advisory Council	81-1406 et seq.			Y
182. Potato Development Committee, Nebraska	2-1803			Y
183. Poultry and Egg Development, Utilization and Marketing Committee, Nebraska	2-3404 et seq.		\$25	Y
184. Power Review Board, Nebraska	70-1003 et seq.	✓	\$60	Y
185. Private Postsecondary Career Schools Advisory Council	85-1607			N
186. Private Postsecondary Career Schools Tuition Recovery Cash Fund Advisory Committee	85-1655			N
187. Professional Practices Commission	79-861 et seq.			Y
188. Propane Education and Research Council	66-1617 et seq.			N
189. Psychologists, Board of	71-112 et seq.			Y
190. Public Accountancy, Educational Advisory Committee to the Board of	1-113			N
191. Public Accountancy, Nebraska State Board of	1-107		\$100	Y
192. Public Employees Retirement Board	84-1501 et seq.	✓		Y
193. Public Health Clinic Formulary Advisory Committee	71-1, 147.59			N

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute
194. Public Roads Classifications and Standards, Board of	39-2106	✓	\$20	Y
195. Public Safety Wireless Communication Advisory Board	86-419			Y
196. Public Service Commission	Ne. Const., Art. IV, sec. 20		— <sup>14</sup>	N
197. Public Water Supply, Advisory Council on	71-5311			Y
198. Quality Jobs Board	77-4908			N
199. Quarter Design Committee, Nebraska State	90-120			Y
200. Racing Commission, State	2-1201			Y
201. Railway Council, Nebraska	74-1403 et seq.	✓	\$60	Y
202. Real Estate Appraiser Board	76-2222 et seq.		\$100	Y
203. Real Estate Commission	81-885.07		\$100 <sup>15</sup>	Y
204. Redevelopment Board, Nebraska	58-503			N
205. Reorganization of School Districts, State Committee for the	79-435 et seq.			Y
206. Residual Malpractice Insurance Authority	44-2837 et seq.			N
207. Respiratory Care Practice, Board of	71-112 et seq.		\$30	Y
208. Rural Development Commission	81-3601 et seq.			Y
209. Rural Health Advisory Commission	71-5654 et seq.	✓		Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
210. Safety Center Advisory Council	85-1008			N
211. School Finance Review Committee	79-1032			N
212. Small Business Compliance Advisory Panel	81-1505.3	— <sup>16</sup>		Y
213. Small Employer Health Reinsurance Board, Nebraska	44-5261			N
214. Soybean Development, Utilization, and Marketing Board <sup>17</sup>	2-3327			N
215. State Board to Administer the Convention Center Facility Financing Assistance Act	13-2603 et seq.			N
216. State Committee for the Reorganization of School Districts	79-435 et seq.			Y
217. State Disbursement and Child Support Advisory Commission <sup>18</sup>	43-3342.05	— <sup>19</sup>		Y
218. State Patrol, Task Force to Study the	81-2013.02; 81-2013.04			Y
219. State Records Board	84-1204 et seq.			Y
220. State Tax Board	77-501 et seq.			N
221. Substance Abuse Treatment Task Force	83-4,148 et seq.			Y
222. Suggestion Award Board	81-1348 et seq.			Y
223. Task Force for Nebraska State Radio Communication System	86-1802			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
224. Task Force on the Productive Integration of the Immigrant Workforce Population	48-2401			Y
225. Tax Equalization and Review Commission	Const. Art. IX, sec. 2877-5003 et seq.	✓	— <sup>20</sup>	Y
226. Teacher Salary Task Force	79-8,118			Y
227. Technical Advisory Committee	81-15, 189 et seq.			Y
228. Technical Advisory Committee for Regulation of Health Professions	71-6224			Y
229. Technology Review Panel for the Nebraska Information Technology Commission	86-521			N
230. Teen Tobacco Education and Prevention Project Committee	71-5715			Y
231. Telecommunications Commission, Nebraska Educational	79-1313 et seq.	✓		Y
232. Telecommunications Relay System Special Committee	86-315			N
233. Telecommunications Universal Service Advisory Committee	86-327			N
234. Trauma Advisory Board, State	71-8236			Y
235. Trauma Advisory Board, Regional	71-8251			Y
236. Uniform State Laws, Commission on	49-901 et seq.			Y

Board/Commission	Statute	Legislative Confirmation Required	Per Diems	Expenses Authorized In Statute <sup>1</sup>
237. University of Nebraska Board of Regents	Const. Art. VI, Sec 10 & 85-103			Y
238. Vacant Building and Excess Land Committee	72-812			N
239. Veterans' Advisory Commission	80-401.06 et seq.			Y
240. Veterinary Medicine and Surgery, Board of Examiners in	71-112 et seq.		\$30	Y
241. Vocational Education, State Board of <sup>1</sup>	79-321			Y
242. Water Policy Task Force	46-2,132			N
243. Water Quality Monitoring, Advisory Committee to the Department of Environmental Quality for the Study of	46-1302			N
244. Water Well Standards and Contractors' Licensing Board	46-1217 et seq.			Y
245. Wheat Development, Utilization and Marketing Board, Nebraska	2-2302 et seq.			Y
246. Women, Nebraska Commission on the Status of	81-8,255			N
247. Women's Health Initiative Advisory Council	71-702			Y
248. Worker Training Board, Nebraska	48-622.03			N
249. Workforce Investment Board, Nebraska	48-1623			N
250. Wyuka Cemetery Board of Trustees	12-101 et seq.			N

Sources: Table prepared by Legislative Research Division, July 2002

## Endnotes

**General note:** *As per Neb. Rev. Stat. sec. 71-112, the professional boards in the various health-related fields receive expenses as well as a per diem not to exceed \$30. Additionally, the per diem and expenses cannot be greater than "is received in fees from the applicants taking the examination in any particular profession." Each individual board sets its own per diem within those parameters. Additionally, these boards may set per diems and pay the expenses up to this rate for any subcommittees they create. The per diems listed here were provided by the Health and Human Services Department of Regulation and Licensure Credentialing Division.*

1. A "Y" in this column indicates that a provision authorizing expenses exists in the statute creating the board or commission; an "N" indicates the enacting statute makes no mention of allowing expenses. However, Neb. Rev. Stat. secs. 81-1177, 81-1179, and 81-1180 provide that all statutory boards and commission are entitled to expense reimbursement.
2. Compensation for the Task Force for Building Renewal members is "established by the Governor on a per diem basis. . . ."
3. Claims Board members are the Director of Insurance, Commissioner of Labor, and the Director of Administrative Services, who shall "receive no compensation for their services except that provided by law for the offices they hold. . . ."
4. Five members are appointed by the Executive Board of the Legislative Council and four members are appointed by the Governor.
5. LB 1161 states, "Each member of the board shall receive as compensation the same per diem and travel expenses as other state employees for each day actually spent in traveling to and from and while attending sessions of the board and its committees or authorized meetings of the National Association of State Boards of Geology, or their subdivisions or committees, and all necessary expenses incident to the performance of his or her duties under the Geologists Regulation Act as provided in sections 81-1174 to 81-1177." However, those sections make no explicit mention of a per diem.
6. The Liquor Control Commission members are salaried. Neb. Rev. Stat. sec. 53-112 states this annual salary is "not to exceed" \$12,500.
7. The Livestock Auction Board is a three-person board with one appointed member, who receives expenses.
8. There are six; one for each mental health service region in the state.
9. Each regional mental health governing board can appoint one advisory committee.
10. Formerly known as State Board of Agriculture, this board has been significantly changed.
11. Four of the 11 members are appointed by the Governor and confirmed by the Legislature.
12. The Board of Nursing statute authorizes up to a \$100 per diem.

13. The Parole Board chair receives an annual salary of \$55,900; the other four members receive an annual salary of \$45,900.
14. PSC members receive an annual salary of \$42,000.
15. The chairman of the Real Estate Commission is the Secretary of State and does not receive a per diem.
16. Four of the seven members of the panel are chosen by the Legislature.
17. In 1995, the Legislature passed LB 434, which essentially laid the groundwork for transferring the duties of the Soybean Board to a private nonprofit corporation as allowed under the federal Soybean Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6301 et seq.) See Neb. Rev. Stat. secs. 2-3325 and 2-3326 for further information.
18. Board formed by the merger of the State Disbursement Advisory Commission and the Child Support Commission.
19. The Executive Board of the Legislature appoints nine of 12 members.
20. By statute, the members of the Tax Equalization and Review Commission are considered employees of the state.
21. Membership is comprised of the State Board of Education.





## APPENDICES



## APPENDIX A

### The Appointment Process in Nebraska

The procedures in Nebraska by which an appointee goes from nomination by the Governor to confirmation by the Legislature is standard and somewhat perfunctory. The rules governing the confirmation process can be found at Rule 3-4(e)(ii)-(v) and Rule 3-13 of the *Rules of the Nebraska Unicameral Legislature*. A copy of the pertinent rules has been placed in Appendix B. Additionally, Article IV, secs. 10 and 12 of the Nebraska Constitution define the parameters for appointments to boards and commissions. Sec. 10 applies to initial appointments by the Governor of officials whose appointment or election is not otherwise provided for by law and sec. 12 applies to vacancies in nonelective state offices.

Once the Governor's appointees have been forwarded to the Legislature, the Executive Board sitting as the Reference Committee refers all appointees to the appropriate standing committee in the same manner it handles bills and resolutions. Subject matter determines the committee to which appointees are referred; for example, appointees to the Motor Vehicle Licensing Board would be referred to the Transportation Committee.

The Clerk's office is responsible for collecting and disseminating to the appropriate committee all the paperwork regarding a nomination as required by Rule 3-4(e)(iii). This paperwork consists of: (1) the nomination letter from the Governor, which is also printed in the Journal; (2) a certificate of appointment; (3) the nominee's resume or, lacking that, a copy of the executive application form which the nominee has completed for the Governor; and, (4) a financial disclosure statement, if required. The first three items are provided by the Governor's office; the latter comes from the Accountability and Disclosure Commission. All of this material is then forwarded to the relevant committee.

Once received by committee, the respective committee clerks are responsible for contacting the appointees to schedule a hearing and notifying the Clerk of this hearing date. All appointees are required to attend this hearing, unless "waived for good cause" (Rule 3-4 (e)(iv)) by a majority vote of the committee. Several committee clerks with whom we spoke indicated that their committee chairs were more likely to waive appearances by reappointees rather than persons appearing for the first time. Page 3 of the Committee Clerk's Manual addresses these duties and the manual also provides a list of sample questions for conducting confirmation hearings. Appointment hearings, as are all hearings before committees, are governed by Appendix "A" to Rule Three, Model Committee Rules.

Once the hearing is completed, the committee generally votes on the appointees in executive session and then forwards a copy of the Standing Committee Report for Gubernatorial Appointments with its recommendation, including a record vote of each senator on the committee, to the Clerk. If approved by the committee, the appointment is then scheduled for a vote by the full Legislature. Appointment letters received by the Clerk in the last eight calendar days of any regular legislative session are deferred until the next regular or special session. The Clerk's Office does not keep a tally of those appointees who have been rejected, but this is apparently a rare phenomenon.



The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgement of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

**Sec. 5. Special Committees.** (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building Maintenance. RRS 81-185 .....	6 members
Education Commission of the States. RRS 79-2504 .....	3 members
Executive Board of the Legislative Council. RRS 50-401.01 .....	9 members
Intergovernmental Cooperation. RRS 81-816 .....	5 members
Legislative Program Evaluation. RRS 50-1204 .....	5 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature.

(ii) The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 13.

(iii) The Legislative Program Evaluation Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13.

**Sec. 6. Meeting Times.** (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

**Sec. 7. Chairperson, Vice Chairperson.** (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

**Sec. 8. Committee Quorum.** A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

**Sec. 9. Quorum at Committee Hearings.** A quorum of committee members should be maintained throughout all committee hearings.

**Sec. 10. Conduct During Committee Hearing.** (a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee

conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

(b) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

**Sec. 11. Temporary Appointments.** (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2(c).

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

**Sec. 12. Consideration and Correlation of Bills and Resolutions.** (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

**Sec. 13. Public Hearing, Notice.** Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by

committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

**Sec. 18. Committee Statement.** (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

- (1) the one-line title and number of the bill;
- (2) a roll call vote of final committee action taken on the bill;
- (3) the date of the public hearing on the bill;
- (4) a list of all individuals testifying for and against the bill and any organization they represent;
- (5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
- (6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

**Sec. 19. Request From Committee, Bills Held.** (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

**Sec. 14. State Officials Appearing Before Committees.** State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

**Sec. 15. Executive Sessions and Closed Meetings.** (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

**Sec. 16. Report of Bill to Legislature.** (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

**Sec. 17. Indefinitely Postponed Bills.** If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the

