

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 111

Introduced by McDonnell, 5.

Read first time January 06, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to state government; to adopt the Nebraska
- 2 Volunteer Service Commission Act; to provide an operative date; and
- 3 to declare an emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 11 of this act shall be known and may be
2 cited as the Nebraska Volunteer Service Commission Act.

3 Sec. 2. For purposes of the Nebraska Volunteer Service Commission
4 Act:

5 (1) Commission means the Nebraska Volunteer Service Commission;

6 (2) Corporation means the Corporation for National and Community
7 Service; and

8 (3) References to federal law refer to such law as it existed on
9 January 1, 2023.

10 Sec. 3. The Legislature finds and declares that:

11 (1) The Nebraska Volunteer Service Commission, also known as
12 ServeNebraska, was created through Executive Order No. 94-5, dated July
13 26, 1994, by Governor Ben Nelson pursuant to the federal National and
14 Community Service Trust Act of 1993, and receives grants, allotments, and
15 service positions on behalf of the state under the federal act;

16 (2) Pursuant to the executive order, the commission has implemented
17 programs and administered funds received from the Corporation for
18 National and Community Service. The commission has used these and other
19 funds to cultivate community service and volunteerism and for programs
20 focused on education, economic opportunities, disaster response,
21 environmental stewardship, healthy futures, and veteran and military
22 families;

23 (3) As part of its programs, the commission has administered
24 AmeriCorps for the State of Nebraska. At a national level, over one
25 million people have served as AmeriCorps members since 1994 and provided
26 over one billion hours of service. The AmeriCorps program leverages more
27 than one billion dollars in resources from private, philanthropic, and
28 other sources each year and mobilizes or manages over two million
29 community volunteers each year;

30 (4) The commission has furthered a culture of civic engagement and
31 fostered opportunities for public service in Nebraska; and

1 (5) Restructuring the commission as a statutory agency will provide
2 the commission with stability and preserve its autonomy, align the
3 commission with comparable organizations in Nebraska and across the
4 nation, and allow the commission to more effectively carry out its many
5 missions serving the people of the State of Nebraska.

6 Sec. 4. The Nebraska Volunteer Service Commission is created as an
7 independent agency on the operative date of this act.

8 Sec. 5. (1) The commission shall consist of no fewer than fifteen
9 and no more than twenty-five voting members. Members serving on the
10 commission as of the effective date of this act shall continue their
11 terms as provided in subsection (6) of this section.

12 (2) The voting membership of the commission shall include:

13 (a) The Commissioner of Education or the commissioner's designee;
14 and

15 (b) The following members appointed by the Governor:

16 (i) A representative of a community-based agency or organization;

17 (ii) A representative of local government;

18 (iii) A representative of a local labor organization;

19 (iv) A representative of business;

20 (v) An individual who is at least sixteen years of age but no more
21 than twenty-five years of age and who is a participant in or supervisor
22 of a service program for youth or a campus-based or national service
23 program;

24 (vi) A representative of a national service program;

25 (vii) An individual with expertise in the education, training, and
26 development needs of youth, particularly disadvantaged youth;

27 (viii) An individual with experience in promoting the involvement of
28 adults fifty-five years of age and older in national service and
29 volunteerism;

30 (ix) A representative of the state's volunteer community; and

31 (x) At least five, but not more than fifteen, individuals who have

1 knowledge in the fields of community service, volunteerism, literacy,
2 mentoring, or other subject areas as necessary for the needs of the
3 commission's programs.

4 (3) The commission shall include a nonvoting liaison member
5 designated by the corporation. Such member shall not be appointed by the
6 Governor.

7 (4) Not more than fifty percent of the voting members of the
8 commission, plus one additional member, may be affiliated with the same
9 political party. In making appointments, the Governor shall ensure, to
10 the maximum extent possible, that the membership of the commission is
11 diverse.

12 (5) The number of voting members of the commission who are officers
13 or employees of the state shall not exceed twenty-five percent, reduced
14 to the nearest whole number, of the total membership of the commission.

15 (6) Each voting member of the commission appointed under subdivision
16 (2)(b) of this section shall serve for a term of three years and may be
17 reappointed to one additional three-year term. This limit includes
18 service as a commission member prior to the operative date of this act.
19 Beginning April 1, 2024, and each April 1 thereafter, the Governor shall
20 appoint or reappoint approximately one-third of such members.

21 (7) Any vacancy occurring otherwise than by expiration of a term
22 shall be filled for the remainder of the unexpired term in the same
23 manner as the original appointment.

24 (8) The voting members shall select a voting member to serve as
25 chairperson and may select other voting members to serve as such officers
26 as the voting members deem appropriate. The chairperson and any other
27 officers shall serve for such terms and under such conditions as the
28 voting members deem appropriate.

29 (9) The voting members shall serve without compensation, but they
30 shall be entitled to receive reimbursement for expenses incurred incident
31 to such service as provided in sections 81-1174 to 81-1177.

1 Sec. 6. (1) The commission may employ an executive director to
2 carry out the purposes of the Nebraska Volunteer Service Commission Act
3 and may expend funds to obtain office space, furniture, equipment, and
4 other necessary supplies.

5 (2) The executive director may hire staff as necessary to carry out
6 the purposes of the act as funding is available. The commission and
7 executive director may, subject to appropriation, hire up to fifteen
8 full-time equivalent employees.

9 Sec. 7. The commission shall meet at least four times per year and
10 may meet more frequently at the discretion of the commission.

11 Sec. 8. (1) In accordance with 42 U.S.C. 12638, the primary duties,
12 responsibilities, and functions of the commission include:

13 (a) Recommending to the Governor a three-year comprehensive national
14 and community service plan for the state that is developed through an
15 open and public process, is updated annually, and ensures outreach to
16 diverse community-based agencies that serve underrepresented populations;

17 (b) Administering a competitive process in compliance with federal
18 regulations to select service programs to be included in the applications
19 to the corporation;

20 (c) Assisting and collaborating with community and nonprofit
21 organizations, including in the development of service grant programs;

22 (d) Preparing for the Governor an application to the corporation to
23 receive funding and educational awards for programs selected pursuant to
24 42 U.S.C. 12582;

25 (e) Administering, overseeing, and monitoring the performance and
26 progress of funded programs, including working with the Governor and the
27 corporation to implement comprehensive, nonduplicative evaluation and
28 monitoring systems;

29 (f) Providing technical assistance to, and collaborating with, local
30 nonprofit organizations and other entities in planning programs, applying
31 for funds, and implementing high-quality programs;

1 (g) Developing mechanisms for recruitment and placement of people
2 interested in participating in service programs;

3 (h) Assisting the State Department of Education in preparing the
4 application to the corporation for programs described in 42 U.S.C. 12525;

5 (i) Assisting in the provision of health care and child care
6 benefits under 42 U.S.C. 12594 to participants in service programs that
7 receive assistance under 42 U.S.C. 12571;

8 (j) Coordinating commission activities with other state agencies
9 that administer federal financial assistance programs under the federal
10 Community Service Block Grant program, 42 U.S.C. 9901 et seq.;

11 (k) Coordinating the commission's efforts with the priorities and
12 initiatives of the Governor through continued discussion and
13 consideration of the Governor's recommendations;

14 (l) Preparing the application of the state under 42 U.S.C. 12582 for
15 the approval of service positions, including the national service
16 educational award;

17 (m) Making recommendations to the corporation with respect to
18 priorities for programs receiving assistance under the federal Domestic
19 Volunteer Service Act of 1973, 42 U.S.C. 4950 et seq.;

20 (n) Developing projects, training methods, curriculum materials, and
21 other materials and activities related to national service programs that
22 receive assistance directly from the corporation or from the state using
23 assistance provided under 42 U.S.C. 12571 for use by programs that
24 request such projects, methods, materials, and activities; and

25 (o) Conducting such other state programs as are consistent with the
26 commission's mission or authorized by the corporation.

27 (2) To accomplish the purposes of the Nebraska Volunteer Service
28 Commission Act, the commission may:

29 (a) Delegate non-policy-making duties to a state agency or public or
30 private nonprofit organization subject to such requirements as the
31 corporation may prescribe or as necessary to implement a federal program

1 or requirement; and

2 (b) Seek, accept, and expend gifts, grants, or donations from
3 private or public sources.

4 Sec. 9. On or before January 1, 2024, and on or before January 1 of
5 each year thereafter, the commission shall electronically submit a report
6 to the Legislature summarizing the activities of the commission during
7 the preceding year.

8 Sec. 10. (1) On the operative date of this act, all employees of
9 the Nebraska Volunteer Service Commission, as the commission existed
10 prior to such date, shall be employees of the independent statutory
11 agency created in section 4 of this act.

12 (2) On the operative date of this act, all items of property, real
13 and personal, including office furniture, fixtures, books, documents, and
14 records of the Nebraska Volunteer Service Commission, as the commission
15 existed prior to such date, shall become the property of the independent
16 statutory agency created in section 4 of this act.

17 Sec. 11. (1) Any appropriation and salary limit provided in any
18 legislative bill enacted by the One Hundred Eighth Legislature, First
19 Session, to Agency No. 25, Department of Health and Human Services, for
20 the Nebraska Volunteer Service Commission, shall be null and void, and
21 any such amounts are hereby appropriated to the independent statutory
22 agency created in section 4 of this act for fiscal year 2023-24.

23 (2) Any financial obligations of the Nebraska Volunteer Service
24 Commission, as the commission existed prior to the operative date of this
25 act, that remain unpaid as of June 30, 2023, and that are subsequently
26 certified as valid encumbrances to the accounting division of the
27 Department of Administrative Services pursuant to sections 81-138.01 to
28 81-138.04 shall be paid by the independent statutory agency created in
29 section 4 of this act from the unexpended balance of appropriations for
30 the Nebraska Volunteer Service Commission, as the commission existed
31 prior to the operative date of this act, and transferred to such

1 independent statutory agency. The budget administrator of the budget
2 division of the Department of Administrative Services shall, on or before
3 August 15, 2023, certify the amount of the valid encumbrances to be
4 transferred to the independent statutory agency created in section 4 of
5 this act.

6 Sec. 12. This act becomes operative on July 1, 2023.

7 Sec. 13. Since an emergency exists, this act takes effect when
8 passed and approved according to law.