

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 111**

Introduced by McDonnell, 5.

Read first time January 06, 2023

Committee:

- 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.