

LEGISLATIVE BILL 388

Approved by the Governor May 16, 2007

Introduced by Aguilar, 35

FOR AN ACT relating to economic development; to amend sections 81-1201.04, 81-1201.05, and 81-1201.14, Reissue Revised Statutes of Nebraska; to change membership and duties of the Economic Development Commission; to eliminate provisions relating to the Nebraska Industrial Competitiveness Alliance; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-1201.04, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.04 The commission shall consist of nine voting members appointed by the Governor. The chairperson of the commission shall be one of the ~~nine~~ appointed members and shall be chosen by the commission. Each congressional district in Nebraska shall be represented by three members, and the Governor shall solicit nominations for appointments to the commission from recognized economic development groups in Nebraska. The members of the commission shall be representative, to the extent possible, of the various geographic areas of the state and of both the urban and rural population. The director shall serve as an ad hoc nonvoting member of the commission. In appointing the members, the Governor shall seek to create a broad-based commission representative of the Nebraska economy. To achieve this objective the Governor shall ~~consider persons with backgrounds in the following areas:~~ appoint individuals from the following private industry sectors:

- (1) Production agriculture;
- (2) ~~Manufacturing;~~ At least two individuals from manufacturing, one such individual shall represent a company with no more than seventy-five employees;
- (3) Transportation and ~~communications;~~ logistics;
- (4) Travel and tourism; and
- (5) ~~Insurance.~~ Financial services and insurance;
- (6) Information technology and communications; and
- (7) Biotechnology.

The commission and department are encouraged to involve other essential groups in the work of the commission, including, but not limited to, the (a) University of Nebraska, (b) Department of Agriculture, (c) State Energy Office, (d) educational institutions, (e) Department of Labor, and (f) Nebraska Investment Finance Authority. No more than five voting members of the commission shall belong to the same political party.

The commission shall provide programmatic policy guidance and oversight to the Nebraska Manufacturing Extension Partnership.

Sec. 2. Section 81-1201.05, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.05 Members of the commission shall serve for terms of ~~six~~ four years, except that ~~of the members initially appointed one member from each congressional district shall be appointed for a term of two years, one member for a term of four years, and one member for a term of six years.~~ serving on the effective date of this act may serve for the remainder of their six-year terms. Members shall be limited to two consecutive terms. The director shall serve on the commission for the term of his or her appointment as director. If a vacancy occurs, the Governor shall appoint a representative of the same congressional district, within forty-five working days after the date the vacancy occurs, to finish the unexpired term of the member. The members of the commission shall serve without compensation but may be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 for state employees. ~~The Governor shall make the initial appointments within sixty days after July 17, 1986.~~

Sec. 3. Section 81-1201.14, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.14 The primary responsibility of the Existing Business Assistance Division shall be to provide assistance to instate businesses. Such assistance shall encourage the startup of new businesses and the retention and expansion of existing businesses. Emphasis shall be placed upon meeting the unique needs of small businesses in the state. Activities of the division shall include, but not be limited to, financial packaging, technical assistance, contacts with existing businesses regarding needs, work force development, job training assistance, export technical assistance, and assistance to businesses in accessing new markets and new technologies.

The division shall avoid duplication with existing programs already in place which assist small businesses and entrepreneurs, and the department and the division shall deliver their programs through, to the extent possible, the Nebraska Business Development Center, Nebraska FoodStrategy, the University of Nebraska-Lincoln Food Processing Center, the Nebraska Investment Finance Authority, the Small Business Administration of the federal government, the Nebraska Industrial Competitiveness Alliance, and other related organizations.

The Nebraska Industrial Competitiveness Alliance is hereby created within the department. The alliance shall be a cooperative partnership of individuals and organizations from business, labor, education, and government which assists Nebraska manufacturers to be more competitive in the world market. The alliance shall be governed by a board appointed by the Governor upon recommendation from the department. The Nebraska Industrial Competitiveness Alliance Board shall consist of twenty-two to twenty-eight members of which the majority shall be individuals from the private sector and at least one-half of whom shall represent small and medium-sized manufacturers. Not more than eight members of the board shall be from state or local government. The board shall establish and approve bylaws to govern its operations and will have the following powers and duties:

(1) To advise the Governor and state agencies on policies and activities that will advance the competitiveness of Nebraska's manufacturing sector;

(2) To provide programmatic policy, guidance, and oversight to the Nebraska Industrial Competitiveness Service manufacturing extension program and the School-to-Work Program and provide oversight to the Science and Technology Program and any other programs as assigned by the Governor or by the department;

(3) To establish a fee for selected services; and

(4) To receive and approve the expenditure of funds appropriated by the Legislature or received through federal program grants, gifts, bequests, fees, commissions, and other contributions from private sources.

Members of the Nebraska Industrial Competitiveness Alliance Board shall not be liable to the state, to the alliance, or to any other person as a result of their activities, whether ministerial or discretionary, except for dishonesty, negligence, or intentional violation of the law.

Sec. 4. Original sections 81-1201.04, 81-1201.05, and 81-1201.14, Reissue Revised Statutes of Nebraska, are repealed.