LEGISLATIVE BILL 910

Introduced by McDonnell, 5.
Read first time January 10, 2022
Committee: Government, Military and Veterans Affairs

A BILL FOR AN ACT relating to state government; to adopt the Nebraska Volunteer Service Commission Act; to provide an operative date; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Nebraska Volunteer Service Commission Act.

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

(1) Commission means the Nebraska Volunteer Service Commission;

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

(3) References to federal law refer to such law as it existed on January 1, 2022.

Sec. 3. The Legislature finds and declares that:

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

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

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

(4) The commission has furthered a culture of civic engagement and fostered opportunities for public service in Nebraska; and
(5) Restructuring the commission as a statutory agency will provide
the commission with stability and preserve its autonomy, align the
commission with comparable organizations in Nebraska and across the
nation, and allow the commission to more effectively carry out its many
missions serving the people of the State of Nebraska.

Sec. 4. (1) The commission shall consist of no fewer than fifteen
and no more than twenty-five voting members. Members serving on the
commission as of the effective date of this act shall continue their
terms as provided in subsection (6) of this section.

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

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

and

(b) The following members appointed by the Governor:

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

(ii) A representative of local government;

(iii) A representative of a local labor organization;

(iv) A representative of business;

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

(vi) A representative of a national service program;

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

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

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

(x) At least five, but not more than fifteen, individuals who have
knowledge in the fields of community service, volunteerism, literacy,
mentoring, or other subject areas as necessary for the needs of the
(3) The commission shall include a nonvoting liaison member designated by the corporation. Such member shall not be appointed by the Governor.

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

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

(6) Each voting member of the commission appointed under subdivision (2)(b) of this section shall serve for a term of three years and may be reappointed to one additional three-year term. This limit includes service as a commission member prior to the effective date of this act. Beginning April 1, 2023, and each April 1 thereafter, the Governor shall appoint or reappoint approximately one-third of such members.

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

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

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

Sec. 5. (1) The commission may employ an executive director to carry out the purposes of the Nebraska Volunteer Service Commission Act.
and may expend funds to obtain office space, furniture, equipment, and other necessary supplies.

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

Sec. 6. The commission shall meet at least four times per year and may meet more frequently at the discretion of the commission.

Sec. 7. (1) In accordance with 42 U.S.C. 12638, the primary duties, responsibilities, and functions of the commission include:

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

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

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

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

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

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

(g) Developing mechanisms for recruitment and placement of people interested in participating in service programs;
(h) Assisting the State Department of Education in preparing the application to the corporation for programs described in 42 U.S.C. 12525;

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

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

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

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

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

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

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

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

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

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

Sec. 8. On or before January 1, 2023, and on or before January 1 of each year thereafter, the commission shall electronically submit a report to the Legislature summarizing the activities of the commission during the preceding year.

Sec. 9. This act becomes operative on July 1, 2022.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.