

**BYLAWS OF THE
NEBRASKA OPIOID SETTLEMENT REMEDIATION
ADVISORY COMMITTEE
June 13 _____, 2023**

Article I – Name of Organization

The name of the organization shall be the Nebraska Opioid Settlement Remediation Advisory Committee [“Committee”].¹

Article II – Purpose

The Committee shall be responsible for making recommendations to the Nebraska Department of Health and Human Services, Division of Behavioral Health [“Division”] regarding the allocation, distribution, grant, award or expenditure of monies deposited into the Nebraska Opioid Recovery Fund [“Fund”] in accordance with Nebraska’s Opioid Prevention and Treatment Act [“Act”],² and the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought by the Nebraska Attorney General relating to prescription opioids [“opioid settlement agreements”]. The status of recommendations of the Committee regarding disbursement from the Fund shall be reported by the Division or the Attorney General’s Office as described in Article VII, Section 1. The Division shall carry out disbursements as recommended by the Committee upon verification by the Attorney General, or his or her designee, that such Committee recommendations are in compliance with the Act, in accordance with the respective opioid settlement agreements, and approved by the Division.

In accordance with the Act and opioid settlement agreements, the Committee may:

- (A) Establish criteria regarding eligibility for distribution of monies from the Fund, including, but not limited to, distribution by grant;
- (B) Establish criteria regarding the allocation of monies from the Fund among the state’s six behavioral health regions;
- (C) Establish criteria regarding the allocation of monies from the Fund among political subdivisions;³
- (D) Establish criteria regarding core strategies and approved uses of monies from the Fund;⁴

¹ See Distributor Settlement Agreement, March 10, 2022, at Section V.E.2.d.

² Neb. Rev. Stat. §§ 71-2485 to 71-2490.

³ The Committee shall have no ability to alter any direct payment received by any political subdivision from the national administrator as otherwise provided under any opioid settlement agreement.

⁴ See Distributor Settlement Agreement at Exhibit E.

- (E) Receive grant applications;
- (F) Recommend grant award processes, frequency, recipients and grant amounts;
- (G) Conduct or authorize surveys and needs assessments;
- (H) Establish processes for receiving input regarding opioid use disorder and other co-occurring substance use and mental health disorders and associated abatement needs, strategies and responses;⁵
- (I) Establish processes and criteria for evaluation of the use of monies, performance metrics, and the reporting of outcomes;
- (J) Request and review reports by the Division or Attorney General’s Office, including the annual report required by the Act; and
- (K) Otherwise provide advice to the Division in exercising its responsibilities under the Act and opioid settlement agreements.

Article III – Membership

The Committee shall consist of an equal number of local and state representatives.⁶

Section 1. “Local” Members

Local representatives shall be selected and appointed to the Committee by the League of Nebraska Municipalities [“League”] and the Nebraska Association of County Officials [“NACO”]. The total number of local voting members appointed to the Committee shall be no less than six and no more than twelve. The maximum number of local representative Committee members from each behavioral health region shall be two members.

Section 2. “State” Members

The total number of state members shall be equivalent to the total number of local members. Initial state members shall be selected and appointed by the Attorney General as follows: (a) At least one member shall be a consumer of substance use disorder services; (b) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of substance use disorder services in Nebraska; (c) at least one member shall have specialized knowledge, experience, or expertise relating to the provision of mental health services in Nebraska; (d) at least one member shall be a staff or faculty member of an accredited medical school of a public or private university located within the state of Nebraska; (e) at least one member shall be a representative of a medical, health care, or

⁵ See Distributor Settlement Agreement at Section V.E.2.d.iii.

⁶ See *id.* at Section V.E.2.d.ii.

pharmacological association having members throughout the state of Nebraska; and (f) at least one member shall be a representative of a state law enforcement agency.

Section 3. Non-Voting, Ex officio Members

In addition to the state members listed above, the Division Director and the Attorney General or their designees shall serve as ex officio non-voting members of the Committee. The Division Director or her or his designee shall serve as the Secretary [“Secretary”] of the Committee.

Section 4. Member Terms

Committee members shall serve on the Committee for an initial term of two years beginning July 1, 2022. Thereafter, each member shall have the option to serve for up to two additional two-year terms for a total of six consecutive years. At the conclusion of any two-year term for which an eligible member elects not to continue for an additional term or at the conclusion of the total number of allowable terms, a successor shall be selected in the same manner as the initial member. Committee members shall continue to serve until their replacement is appointed.

Section 5. Vacancies

If a state or local member resigns or is otherwise removed from the Committee prior to the expiration of any two-year term, a replacement member shall be appointed in the same manner as the selection and appointment of the initial member.

Section 6. Amendment of Total Number of Committee Members

The Committee may amend the total number of members of the Committee by majority vote so long as (i) the number of local members is no less than the number of state behavioral health regions, (ii) at least one local member from each behavioral health region is appointed to the Committee, and (iii) the number of voting members is equivalent between state and local members.

Article IV – Meetings

Section 1. Frequency

Meetings of the Committee shall be held at least annually and may be held as frequently as deemed necessary by the Chairperson or the Executive Committee identified in Article VI.

Section 2. Conduct

Meetings shall be held in accordance with the requirements of the Open Meetings Act in Chapter 84, Article 14 of the Nebraska Revised Statutes.

Section 3. Notice

Reasonable advance publicized notice of Committee meetings shall be made by posting notice to the State of Nebraska Public Meetings Calendar on the state's official website. The Committee shall post an agenda, which shall be kept continually current, to the Public Meetings Calendar at the time notice is given. Notice of meetings, other than emergency or special meetings, shall be given at least five calendar days, if possible, prior to the meeting stating the time, place and agenda. Notice of special meetings shall be given at least two calendar days, if possible, prior to the meeting, stating the time, place and agenda. Regular and special meetings may be held in person or virtually pursuant to the provisions of the Open Meetings Act. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such meetings may be held virtually pursuant to the provisions of the Open Meetings Act.

Article V – Voting

Section 1. Quorum

A majority of voting members of the Committee present at any meeting shall constitute a quorum. The continued presence of a quorum is required before any formal action is commenced. All Committee business shall be transacted by an affirmative vote of a majority of members present at a meeting in which a quorum is established.

Section 2. Conflicts of Interest

Every member of the Committee shall be required annually to complete and sign a conflict of interest questionnaire and provide a copy to the Chair of the Advisory Committee and Secretary. If a member of the Committee develops a potential conflict of interest after completing the annual conflict of interest questionnaire, he or she shall, as soon as practicable, prepare an updated questionnaire and provide a copy to the Chair of the Advisory Committee and Secretary. If a member of the Committee has a conflict of interest, he or she shall disclose such conflict and abstain from voting on any related agenda items. If a member of the Committee fails to disclose a conflict of interest or abstain from voting, he or she may be removed from the Committee by a majority vote of the full Committee.

Article VI – Officers

Section 1. Officers' Duties, Terms, and Selection

Officers of the Committee shall be a chairperson and a vice-chairperson. The chairperson shall preside at all Committee and executive committee meetings and perform any other duties as designated by the Committee. The vice-chairperson shall act for the chairperson in his or her absence.

The term of the initial chairperson and vice-chairperson shall be two years beginning July 1, 2022. The initial chairperson and vice-chairperson shall be elected by the majority vote of Committee members at the initial Committee meeting following adoption of the Committee Bylaws. The Attorney General shall serve as interim chair of the Committee until the election of the chairperson and vice-chairperson. The chairperson and vice-chairperson may be elected from either local or state members of the Committee. Each successor chairperson and vice-chairperson shall be elected at the first meeting held on or after July 1, 2024, and every two years thereafter.

Section 2. Executive Committee Membership and Authorities

The Committee shall establish an executive committee [“Executive Committee”] consisting of the chairperson, the vice-chairperson, and the chairs of any subcommittee as provided in Article VI, Section 3.

The chairperson may call the Executive Committee together at his or her discretion. If a meeting of the Executive Committee is held, the full Committee shall be notified at the next Committee meeting. The Executive Committee may not vote or act on behalf of the full Committee.

The Executive Committee may conduct any other task or duty as directed by a majority vote of the quorum of the full Committee but shall not hold hearings, make policy, or take formal action on behalf of the full Committee.

Section 3. Subcommittees

By a majority vote of the quorum, the full Committee may establish temporary or permanent subcommittees to accomplish specific tasks which are relevant to the purposes of the Committee so long as such subcommittees do not constitute a quorum of the total number of Committee members and do not hold hearings, make policy, or take formal action on behalf of the full Committee.

**Article VII – Roles of the Division of Behavioral Health
and Attorney General’s Office**

Section 1. Role of the Division of Behavioral Health

The Secretary shall be responsible for providing notice and writing the minutes of each Committee meeting, maintaining records of the Committee, and providing secretarial support to the Committee and its Executive Committee in furtherance of the Division Director’s role as Secretary of the Committee. The Division shall provide an annual report

in accordance with Neb. Rev. Stat. § 71-2489. The Division shall have sole accounting responsibilities regarding distributions from the Fund and shall serve as the primary point of contact with the Nebraska State Treasurer, the Budget Division of the Nebraska Department of Administrative Services and for the State of Nebraska with any national opioid settlement administrator(s). The Division shall provide a status report consisting of the status of each Committee disbursement recommendation at the end of each calendar quarter. In the event a recommendation is denied by the Division or Attorney General's Office, a summary of the reason(s) for denial shall be provided to the Committee within 60 calendar days of the initial recommendation date. The Division may utilize the Fund for reasonable expenses including personnel costs or reasonable and necessary expenses of the Committee or Committee members as provided in the opioid settlement agreements necessary to fulfill its administrative responsibilities.

Section 2. Role of the Attorney General's Office

The Attorney General or the Attorney General's Office shall assist the Committee and the Division in providing legal counsel, including, but not limited to, legal advice to ensure compliance with the Open Meetings Act, the Act and terms of any opioid settlement agreements. The Attorney General or his or her designee shall verify that any recommendations for disbursement made by the Committee comply with the Act and respective settlement agreements before the Division of Behavioral Health makes any disbursements from the Opioid Recovery Fund.

Article VIII – Amendments

A two-thirds majority vote of all Committee members shall be required to amend these Bylaws. No Bylaws shall be considered for amendment unless the proposed amendment is on the meeting agenda with the notice provided in accordance with Article IV.

Todd Stull MD
Committee Chairperson

June 13, 2023
Date