

**BYLAWS OF THE  
NEBRASKA OPIOID SETTLEMENT REMEDIATION  
ADVISORY COMMITTEE  
April 4, 2022**

**Article I – Name of Organization**

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

**Article II – Purpose**

The Committee shall be responsible for advising 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”],<sup>2</sup> 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”]. Recommendations of the Committee regarding disbursements from the Fund shall be carried out by the Division upon verification by the Attorney General of his or her designee that such Committee recommendations are in accordance with the Act and respective opioid settlement agreements.

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;<sup>3</sup>

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

<sup>2</sup> Neb. Rev. Stat. §§ 71-2485 to 71-2490.

<sup>3</sup> 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.

- (D) Establish criteria regarding core strategies and approved uses of monies from the Fund;<sup>4</sup>
- (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<sup>5</sup>;
- (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
- (J) 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.<sup>6</sup>

#### *“Local” Members*

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Local representatives shall be selected and appointed to the Committee by the Nebraska League of 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.

#### *“State” Members*

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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

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<sup>4</sup> See Distributor Settlement Agreement at Exhibit E.

<sup>5</sup> See Distributor Settlement Agreement at Section V.E.2.d.iii.

<sup>6</sup> See *id.* at Section V.E.2.d.ii.

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 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.

#### *Non-Voting, Ex officio Members*

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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 of the Committee.

#### *Member Terms*

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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.

#### *Vacancies*

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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 within sixty days in the same manner as the selection and appointment of the initial member.

#### *Amendment of Total Number of Committee Members*

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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

### *Frequency*

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Meetings of the Committee shall be held at least bi-annually and may be held as frequently as deemed necessary by the Committee.

### *Conduct*

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Meetings shall be held in accordance with the requirements of the Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 to 84-1414. Committee business should be conducted according to Robert’s Rules of Order.

### *Notice*

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The time, date, and location of the next meeting should be determined prior to adjournment of the preceding meeting and so documented in the minutes. Within thirty days, but not less than ten days prior to the next meeting, the Division shall send a meeting agenda to each Committee member. Public Notice of Committee meetings and agendas shall be made by posting to the State of Nebraska Public Meetings Calendar on the state’s official website at the same time meeting agendas are provided to Committee members.

## Article V – Voting

### *Quorum*

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A majority of voting members of the Committee present at any called 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 simple majority of members present at a meeting in which a quorum is established.

### *Conflicts of Interest*

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A conflict of interest is created through the existence of circumstances where the actions of a member may have an effect or direct financial benefit or detriment to the member, his or her family, employer, professional or business associate, or a for profit or non-profit entity in which the member either owns a substantial interest, is a member of the for profit or non-profit corporation’s board of directors or otherwise has any affiliation. A member shall disclose any potential conflict to the Committee as soon as the member is aware of or should reasonably be aware of any potential conflict of interest and abstain from voting on issues on which a conflict may exist.

## Article VI – Officers

### *Officers’ Duties, Terms, and Selection*

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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.

The Division Director of her or his designee shall serve as Secretary of the Committee. The Secretary shall be responsible for providing notice in accordance with these bylaws and record the minutes of each Committee meeting.

### *Executive Committee Membership and Authorities*

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The Committee shall establish an executive committee [“Executive Committee”] consisting of the chairperson, the vice-chairperson, and the secretary.

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 appoint or otherwise establish ad hoc working groups or task forces comprised of Committee members to accomplish a specific task which is relevant to the purposes of the Committee so long as such working groups or task forces do not constitute a majority of the total number of Committee members.

The Executive Committee may conduct any other task or duty as directed by the full Committee.

### *Subcommittees*

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By a simple majority vote, 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 majority of the total number of Committee members.

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

*Role of the Division of Behavioral Health*

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The Division shall produce meeting minutes, maintain records of the Committee, and provide secretarial support to the 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 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.

*Role of the Attorney General’s Office*

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The Attorney General or the Attorney General’s Office shall assist the Committee and the Division in ensuring compliance with 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 notice of the same has been placed on the meeting agenda, and a copy of the proposed changes has been sent to members with the agenda in accordance with Article IV prior to the meeting at which consideration of the amendment will take place.

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Committee Chairperson

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Date