



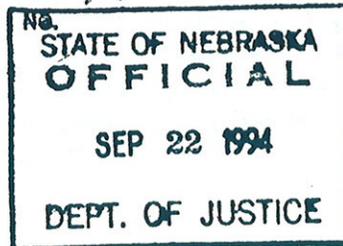
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DATE: September 16, 1994

SUBJECT: Chairperson of the Police Standards Advisory Council as a Member of the Crime Commission

REQUESTED BY: Allen L. Curtis, Executive Director
Nebraska Commission on Law Enforcement and Criminal Justice

WRITTEN BY: Don Stenberg, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked our opinion as to whether the Chairperson of the Police Standards Advisory Council (Council) needs to be specifically appointed to the Nebraska Commission on Law Enforcement and Criminal Justice (Commission) by the Governor in order to become a voting member of the Commission. It is our conclusion that the Chairperson need not be selected by and specifically appointed to the Commission by the Governor.

Neb. Rev. Stat. § 81-1417(3), as amended by LB 917, provides that, except for the Governor, the Attorney General, the Superintendent of Law Enforcement Public Safety, and the Director of Correctional Services, the members of the Commission shall be appointed by the Governor.

Neb. Rev. Stat. § 81-1417(1), as amended by LB 917 of the 1994 legislative session, provides that the Chairperson of the Council is to be a member of the Commission. Neb. Rev. Stat. § 81-1407(1), as amended by LB 917 of the 1994 legislative session, provides that members of the Police Standards Advisory Council shall be appointed by the Governor and, at subsection (2), that the Council shall select one of its members as Chairperson.

Since Neb. Rev. Stat. § 81-1417(3) provides that, with the exceptions noted in the statute, all members of the Commission must

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be appointed by the Governor, you question whether the Governor should appoint the Chairperson of the Council also.

When considering a series or collection of statutes pertaining to a certain subject matter which are in pari materia, they may be conjunctively considered and construed to determine the intent of the Legislature, so that different provisions of the act are consistent and sensible. See *AMISUB (St. Joseph Hospital), Inc. v. Board of County Commissioners of Douglas County*, 244 Neb. 657, 508 N.W.2d 827 (1993); *Arizona Motor Speedway, Inc. v. Hoppe*, 244 Neb. 316, 506 N.W.2d 699 (1993).

In the instant case, the statute provides that the Council shall select one of its members as Chairperson. The statute also provides that, except for certain named members of the Commission, all other members of the Commission shall be appointed by the Governor and that the Chairperson of the Council shall be a member of the Commission. By statute, all members of the Council are appointed by the Governor. Potentially any member of the Council, appointed by the Governor, could be selected by the Council as its Chairperson and subsequently serve on the Commission.

If the statutes involved are read in order to give affect to all parts, the Governor should appoint the members of the Council who then select their Chairperson. The Chairperson of the Council, having been appointed to the Council by the Governor and selected as Chairperson by members of the Council, would then serve on the Commission. Since the Governor appointed the members of the Council, the Chairperson selected by the Council who subsequently serves on the Commission would be an appointment of the Governor. It would create conflict within the law if the Governor were to select the Chairperson of the Council since Neb. Rev. Stat. § 81-1407(2) specifically provides that the gubernatorially selected members of the Council themselves are to select the Chairperson of the Council.

Therefore, it is our determination that the members of the Council shall select a Chairperson who would then serve on the Commission with all the duties and authority of a full Commission member.

Sincerely,

DON STENBERG
Attorney General



Linda L. Willard
Assistant Attorney General

28-17-14.op

Approved by:



Attorney General