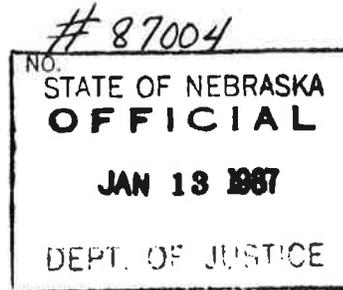


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509

ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General



DATE: January 9, 1987

SUBJECT: Per Diem Payments to Members of the Commission on Indian Affairs

REQUESTED BY: Larry Williams, Legal Specialist, Division of Community Development, Department of Economic Development

WRITTEN BY: Robert M. Spire, Attorney General; Fredrick F. Neid, Assistant Attorney General

You have requested an opinion regarding whether certain activity, which you have described as "lobbying," to retain funding for the Commission on Indian Affairs is a duty or function entitling the Commission member to per diem compensation of thirty-five dollars.

Per diem payments to compensate state officials for performance of official state duties is appropriate and permissible if authorized by statute. Neb.Rev.Stat. §81-1218 (Reissue 1981) provides a per diem payment of thirty-five dollars to members of the Commission for performance of their duties. Accordingly, a commission member is entitled to the per diem compensation if the activities in connection with legislative matters are in performance of his or her duties.

The purpose and functions of the Commission are statutorily described. Neb.Rev.Stat. §81-1217(1) (Reissue 1981) states that the function of the Commission shall be to "promote state and federal legislation beneficial to the Indian Community in Nebraska; . . ." Further, Neb.Rev.Stat. §81-1215 (Reissue 1981) outlines the purpose of the Commission, ". . . to enhance the cause of Indian rights . . ." Legislative activities of a commission member to secure legislative funding for the Commission is in keeping with the stated purpose and function of the Commission.

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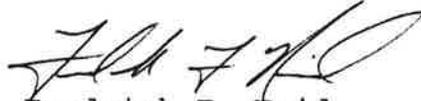
James H. Spears
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John R. Thompson
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Linda L. Willard

Mr. Larry Williams
January 9, 1987
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For these reasons, it is our opinion that the described activity of the commission member is a performance of official duties entitling the member to the statutory per diem payment.

Sincerely,

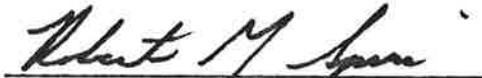
ROBERT M. SPIRE
Attorney General



Fredrick F. Neid
Assistant Attorney General

FFN:bmh

APPROVED BY:



Attorney General