DON STENBERG
ATTORNEY GENERAL

L. STEVEN GRASZ
SAM GRIMMINGER
DEPUTY ATTORNEYS GENERAL

DATE: February 2, 1995
SUBJECT: Per Diem Payments for Public Hearings and Administrative Hearings
REQUESTED BY: Marilyn Hasselbalch, Director Nebraska Real Estate Appraiser Board
WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested our opinion concerning Neb. Rev. Stat. § 76-2222(4) (Cum. Supp. 1994) which provides that each member of the Real Estate Appraiser Board "shall receive a per diem of one hundred dollars per day or substantial part of a day for each scheduled meeting of the board. . . ." First, you inquire whether a public or administrative hearing is considered a "scheduled meeting" for which each board member would receive the per diem payment. Second, you ask whether each board member would receive one hundred dollars for each day of a scheduled meeting or hearing which must be continued into a second or third day.

"In the absence of anything indicating to the contrary, statutory language is to be given its plain and ordinary meaning." State v. Stein, 241 Neb. 225, 228, 486 N.W.2d 921, 923 (1992). Neb. Rev. Stat. § 76-2222(4) provides for compensation for each scheduled meeting of the board and it does not limit the compensation to a particular type of meeting. The only qualification is that it be a meeting "of the board." This would seem to apply to those occasions at which a quorum is present and at which the members are able to take formal action on behalf of the entire board. It is our opinion that holding a public hearing or administrative hearing at which a quorum of the board members is
present is a performance of official duties entitling each member present to the statutory per diem payment.

With regard to your second question, § 76-2222(4) specifically provides that each member will be compensated in the amount of one hundred dollars per day or substantial part of a day. We think it is clear that, if a hearing or other meeting lasts more than one day, each board member present would be entitled to receive one hundred dollars for each day or substantial part of a day spent at that hearing or meeting.

Sincerely,

DON STENBERG
Attorney General

Lynn A. Melson
Assistant Attorney General

Approved By:

[Signature]
Attorney General

9-332-6.23