

E AND R AMENDMENTS TO LB 467

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 81-8,240, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           81-8,240 As used in sections 81-8,240 to 81-8,254, unless  
6 the context otherwise requires:

7           (1) Administrative agency shall mean any department,  
8 board, commission, or other governmental unit, any official, any  
9 employee of the State of Nebraska acting or purporting to act  
10 by reason of connection with the State of Nebraska, ~~or~~ any  
11 corporation, partnership, business, firm, governmental entity, or  
12 person who is providing health and human services to individuals  
13 under contract with the State of Nebraska and who is subject  
14 to the jurisdiction of the office of Public Counsel as required  
15 by section 73-401, and any county or municipal correctional or  
16 jail facility and employee thereof acting or purporting to act  
17 by reason of connection with the county or municipal correctional  
18 or jail facility; but shall not include (a) any court, (b)  
19 any member or employee of the Legislature or the Legislative  
20 Council, (c) the Governor or his or her personal staff, (d)  
21 any political subdivision or entity thereof except a county or  
22 municipal correctional or jail facility, (e) any instrumentality  
23 formed pursuant to an interstate compact and answerable to more

1 than one state, or (f) any entity of the federal government; and

2 (2) Administrative act shall include every action, rule,  
3 regulation, order, omission, decision, recommendation, practice, or  
4 procedure of an administrative agency.

5 Sec. 2. Section 81-8,244, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 81-8,244 The Public Counsel may select, appoint, and  
8 compensate as he or she sees fit, within the amount available by  
9 appropriation, such assistants and employees as he or she deems  
10 necessary to discharge the responsibilities under sections 81-8,240  
11 to 81-8,254. He or she shall appoint and designate one assistant  
12 to be a deputy public counsel, one assistant to be a deputy  
13 public counsel for corrections, one assistant to be a deputy public  
14 counsel for institutions, and one assistant to be a deputy public  
15 counsel for welfare services.

16 Such deputy public counsels shall be subject to the  
17 control and supervision of the Public Counsel.

18 The authority of the deputy public counsel for  
19 corrections shall extend to all facilities and parts of facilities,  
20 offices, houses of confinement, and institutions which are operated  
21 by the Department of Correctional Services and all county or  
22 municipal correctional or jail facilities.

23 The authority of the deputy public counsel for  
24 institutions shall extend to all mental health and veterans  
25 institutions and facilities operated by the Department of Health  
26 and Human Services or by any community-based mental health services  
27 provider that contracts with any behavioral health region to

1 provide services for any individual that was a patient of a  
2 state-owned and state-operated regional center within the prior  
3 twelve months and to all complaints pertaining to administrative  
4 acts of the department when those acts are concerned with  
5 the rights and interests of individuals placed within those  
6 institutions and facilities.

7           The authority of the deputy public counsel for  
8 welfare services shall extend to all complaints pertaining to  
9 administrative acts of administrative agencies when those acts are  
10 concerned with the rights and interests of individuals involved in  
11 the welfare services system of the State of Nebraska.

12           The Public Counsel may delegate to members of the  
13 staff any authority or duty under sections 81-8,240 to 81-8,254  
14 except the power of delegation and the duty of formally making  
15 recommendations to administrative agencies or reports to the  
16 Governor or the Legislature.

17           Sec. 3. Original sections 81-8,240 and 81-8,244, Reissue  
18 Revised Statutes of Nebraska, are repealed.

19           2. On page 1, line 3, after "county" insert "or  
20 municipal"; and in line 4 after "facilities" insert "and mental  
21 health and veterans institutions; to provide for appointment of a  
22 deputy public counsel for institutions".