

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 467**

FINAL READING

Introduced by Chambers, 11.

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Public Counsel; to amend sections  
2 81-8,240 and 81-8,244, Reissue Revised Statutes of  
3 Nebraska; to grant authority relating to county or  
4 municipal correctional and jail facilities, mental  
5 health and veterans institutions, regional behavioral  
6 health authorities, and community-based behavioral health  
7 services providers; to provide for appointment of a  
8 deputy public counsel for institutions; to harmonize  
9 provisions; and to repeal the original sections.

10 Be it enacted by the people of the State of Nebraska,

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

3                   81-8,240 As used in sections 81-8,240 to 81-8,254, unless  
4 the context otherwise requires:

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

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

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

6           81-8,244 The Public Counsel may select, appoint, and  
7 compensate as he or she sees fit, within the amount available by  
8 appropriation, such assistants and employees as he or she deems  
9 necessary to discharge the responsibilities under sections 81-8,240  
10 to 81-8,254. He or she shall appoint and designate one assistant  
11 to be a deputy public counsel, one assistant to be a deputy  
12 public counsel for corrections, one assistant to be a deputy public  
13 counsel for institutions, and one assistant to be a deputy public  
14 counsel for welfare services.

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

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

22           The authority of the deputy public counsel for  
23 institutions shall extend to all mental health and veterans  
24 institutions and facilities operated by the Department of  
25 Health and Human Services and to all regional behavioral

1 health authorities that provide services and all community-based  
2 behavioral health services providers that contract with a regional  
3 behavioral health authority to provide services, for any individual  
4 who was a patient within the prior twelve months of a state-owned  
5 and state-operated regional center, and to all complaints  
6 pertaining to administrative acts of the department, authority,  
7 or provider when those acts are concerned with the rights and  
8 interests of individuals placed within those institutions and  
9 facilities or receiving community-based behavioral health services.

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

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

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