

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 107

Introduced By: Pedersen, 39; Aguilar, 35; Ashford, 20; Chambers, 11;
Engel, 17; Flood, 19; Janssen, 15; Johnson, 37; Lathrop,
12; Nantkes, 46; Raikes, 25; Schimek, 27; White, 8

Read first time: January 5, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Public Counsel; to amend section
2 81-8,244, Reissue Revised Statutes of Nebraska; to authorize
3 a deputy public counsel to assist the Public Counsel; to
4 define the deputy's scope of authority; to harmonize
5 provisions; and to repeal the original section.

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

1 Section 1. Section 81-8,244 Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-8,244. The Public Counsel may select, appoint, and
4 compensate as he or she sees fit, within the amount available by
5 appropriation, such assistants and employees as he or she deems
6 necessary to discharge the responsibilities under sections 81-8,240 to
7 81-8,254. He or she shall appoint and designate one assistant to be a
8 deputy public counsel, one assistant to be a deputy public counsel for
9 corrections, one assistant to be a deputy public counsel for
10 institutions, and one assistant to be a deputy public counsel for
11 welfare services.

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

14 The authority of the deputy public counsel for corrections
15 shall extend to all facilities and parts of facilities, offices,
16 houses of confinement, and institutions which are operated by the
17 Department of Correctional Services.

18 The authority of the deputy public counsel for institutions
19 shall extend to all mental health and veterans institutions and
20 facilities operated by the Department of Health and Human Services
21 and to all complaints pertaining to administrative acts of the
22 department when those acts are concerned with the rights and
23 interests of individuals placed within those institutions and
24 facilities.

25 The authority of the deputy public counsel for welfare
26 services shall extend to all complaints pertaining to administrative
27 acts of administrative agencies when those acts are concerned with the

1 rights and interests of individuals involved in the welfare services
2 system of the State of Nebraska.

3 The Public Counsel may delegate to members of the staff any
4 authority or duty under sections 81-8,240 to 81-8,254 except the power
5 of delegation and the duty of formally making recommendations to
6 administrative agencies or reports to the Governor or the Legislature.

7 Sec. 2. Original section 81-8,244, Reissue Revised Statutes
8 of Nebraska, is repealed.