

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 467

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
4 correctional and jail facilities; to harmonize
5 provisions; and to repeal the original sections.
6 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 to the
12 jurisdiction of the office of Public Counsel as required by section
13 73-401, and any county correctional or jail facility and employee
14 thereof acting or purporting to act by reason of connection with
15 the county correctional or jail facility; but shall not include
16 (a) any court, (b) any member or employee of the Legislature or
17 the Legislative Council, (c) the Governor or his personal staff,
18 (d) any political subdivision or entity thereof except a county
19 correctional or jail facility, (e) any instrumentality formed
20 pursuant to an interstate compact and answerable to more than one
21 state, or (f) any entity of the federal government; and

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

25 Sec. 2. Section 81-8,244, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-8,244 The Public Counsel may select, appoint, and
3 compensate as he or she sees fit, within the amount available by
4 appropriation, such assistants and employees as he or she deems
5 necessary to discharge the responsibilities under sections 81-8,240
6 to 81-8,254. He or she shall appoint and designate one assistant
7 to be a deputy public counsel, one assistant to be a deputy public
8 counsel for corrections, and one assistant to be a deputy public
9 counsel for welfare services.

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

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

17 The authority of the deputy public counsel for
18 welfare services shall extend to all complaints pertaining to
19 administrative acts of administrative agencies when those acts are
20 concerned with the rights and interests of individuals involved in
21 the welfare services system of the State of Nebraska.

22 The Public Counsel may delegate to members of the
23 staff any authority or duty under sections 81-8,240 to 81-8,254
24 except the power of delegation and the duty of formally making
25 recommendations to administrative agencies or reports to the

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1 Governor or the Legislature.

2 Sec. 3. Original sections 81-8,240 and 81-8,244, Reissue

3 Revised Statutes of Nebraska, are repealed.