

AMENDMENTS TO LB 242

Introduced by Mello

1           1. Insert the following new sections:

2           Section 1. Section 81-8,245, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           81-8,245 The Public Counsel shall have the power to:

5           (1) Investigate, on complaint or on his or her own  
6 motion, any administrative act of any administrative agency;

7           (2) Prescribe the methods by which complaints are to be  
8 made, received, and acted upon; determine the scope and manner  
9 of investigations to be made; and, subject to the requirements  
10 of sections 81-8,240 to 81-8,254, determine the form, frequency,  
11 and distribution of his or her conclusions, recommendations, and  
12 proposals;

13           (3) Conduct inspections of the premises, or any parts  
14 thereof, of any administrative agency or any property owned,  
15 leased, or operated by any administrative agency as frequently as  
16 is necessary, in his or her opinion, to carry out duties prescribed  
17 under sections 81-8,240 to 81-8,254;

18           (4) Request and receive from each administrative agency,  
19 and such agency shall provide, the assistance and information  
20 the counsel deems necessary for the discharge of his or her  
21 responsibilities; inspect and examine the records and documents  
22 of all administrative agencies notwithstanding any other provision  
23 of law; and enter and inspect premises within any administrative

1 agency's control;

2 (5) Issue a subpoena, enforceable by action in an  
3 appropriate court, to compel any person to appear, give sworn  
4 testimony, or produce documentary or other evidence deemed relevant  
5 to a matter under his or her inquiry. A person thus required  
6 to provide information shall be paid the same fees and travel  
7 allowances and shall be accorded the same privileges and immunities  
8 as are extended to witnesses in the district courts of this state  
9 and shall also be entitled to have counsel present while being  
10 questioned;

11 (6) Undertake, participate in, or cooperate with general  
12 studies or inquiries, whether or not related to any particular  
13 administrative agency or any particular administrative act, if he  
14 or she believes that they may enhance knowledge about or lead to  
15 improvements in the functioning of administrative agencies;

16 (7) Make investigations, reports, and recommendations  
17 necessary to carry out his or her duties under the State Government  
18 Effectiveness Act; and

19 (8) Carry out his or her duties under the Office of  
20 Inspector General of Nebraska Child Welfare Act. If any of  
21 the provisions of sections 81-8,240 to 81-8,254 conflict with  
22 provisions of the Office of Inspector General of Nebraska Child  
23 Welfare Act, the provisions of such act shall control; and-

24 (9) Investigate allegations of violation of subdivision  
25 (2) of section 84-908 by an administrative agency pursuant to a  
26 complaint made to his or her office and make a determination as  
27 to whether such administrative agency has violated the act. The

1 Public Counsel shall report his or her determination in writing to  
2 the Governor, the Secretary of State, the Attorney General, the  
3 Executive Board of the Legislative Council, and the director or  
4 chief executive officer of the agency.

5           Sec. 3. Section 84-908, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           84-908 (1) No adoption, amendment, or repeal of any  
8 rule or regulation shall become effective until the same has been  
9 approved by the Governor and filed with the Secretary of State  
10 after a hearing has been set on such rule or regulation pursuant to  
11 section 84-907. When determining whether to approve the adoption,  
12 amendment, or repeal of any rule or regulation relating to an issue  
13 of unique interest to a specific geographic area, the Governor's  
14 considerations shall include, but not be limited to: ~~(1)~~ (a)  
15 Whether adequate notice of hearing was provided in the geographic  
16 area affected by the rule or regulation. Adequate notice shall  
17 include, but not be limited to, the availability of copies of the  
18 rule or regulation at the time notice was given pursuant to section  
19 84-907; and ~~(2)~~ (b) whether reasonable and convenient opportunity  
20 for public comment was provided for the geographic area affected by  
21 the rule or regulation. If a public hearing was not held in the  
22 affected geographic area, reasons shall be provided by the agency  
23 to the Governor. Any rule or regulation properly adopted by any  
24 agency shall be filed with the Secretary of State.

25           (2) No agency shall utilize, enforce, or attempt to  
26 enforce any rule or regulation or proposed rule or regulation  
27 unless the rule, regulation, or proposed rule or regulation has

1 been approved by the Governor and filed with the Secretary of State  
2 after a hearing pursuant to section 84-907.

3           2. Amend the repealer and renumber the remaining sections  
4 accordingly.