

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 600

Introduced by Walz, 15.

Read first time January 23, 2019

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the Public Counsel; to amend section
- 2 81-8,244, Revised Statutes Cumulative Supplement, 2018; to change
- 3 provisions relating to the authority of the deputy public counsel
- 4 for institutions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,244, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 81-8,244 (1)(a) 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 necessary
6 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He
7 or she shall appoint and designate one assistant to be a deputy public
8 counsel, one assistant to be a deputy public counsel for corrections, one
9 assistant to be a deputy public counsel for institutions, and one
10 assistant to be a deputy public counsel for welfare services.

11 (b) Such deputy public counsels shall be subject to the control and
12 supervision of the Public Counsel.

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

18 (d) 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, to
21 all veterans institutions operated by the Department of Veterans'
22 Affairs, and to all regional behavioral health authorities that provide
23 services and all community-based behavioral health services providers
24 that contract with a regional behavioral health authority to provide
25 services, for any individual who was a patient within the prior twenty-
26 four ~~twelve~~ months of a state-owned and state-operated regional center,
27 and to all complaints pertaining to administrative acts of the
28 department, authority, or provider when those acts are concerned with the
29 rights and interests of individuals placed within those institutions and
30 facilities or receiving community-based behavioral health services.

31 (e) The authority of the deputy public counsel for welfare services

1 shall extend to all complaints pertaining to administrative acts of
2 administrative agencies when those acts are concerned with the rights and
3 interests of individuals involved in the welfare services system of the
4 State of Nebraska.

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

9 (2) The Public Counsel shall appoint the Inspector General of
10 Nebraska Child Welfare as provided in section 43-4317. The Inspector
11 General of Nebraska Child Welfare shall have the powers and duties
12 provided in the Office of Inspector General of Nebraska Child Welfare
13 Act.

14 (3) The Public Counsel shall appoint the Inspector General of the
15 Nebraska Correctional System as provided in section 47-904. The Inspector
16 General of the Nebraska Correctional System shall have the powers and
17 duties provided in the Office of Inspector General of the Nebraska
18 Correctional System Act.

19 Sec. 2. Original section 81-8,244, Revised Statutes Cumulative
20 Supplement, 2018, is repealed.