

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 572

Introduced by Walz, 15; Wishart, 27.

Read first time January 22, 2019

Committee:

- 1 A BILL FOR AN ACT relating to the office of Public Counsel; to amend
- 2 section 81-8,244, Revised Statutes Cumulative Supplement, 2018; to
- 3 provide authority for the deputy public counsel over assisted-living
- 4 facilities; to harmonize provisions; and to repeal the original
- 5 section.
- 6 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 (i) all assisted-living facilities as defined in section
20 71-5903, (ii) all mental health and ~~veterans~~ institutions and facilities
21 operated by the Department of Health and Human Services, (iii) all
22 veterans institutions and facilities operated by the Department of
23 Veterans' Affairs, (iv) and ~~to~~ all regional behavioral health authorities
24 that provide services and all community-based behavioral health services
25 providers that contract with a regional behavioral health authority to
26 provide services, for any individual who was a patient within the prior
27 twelve months of a state-owned and state-operated regional center, and
28 (v) ~~to~~ all complaints pertaining to administrative acts of each ~~the~~
29 department, authority, or provider when those acts are concerned with the
30 rights and interests of individuals placed within the ~~those~~ institutions
31 and facilities described in this subdivision or receiving community-based

1 behavioral health services.

2 (e) The authority of the deputy public counsel for welfare services
3 shall extend to all complaints pertaining to administrative acts of
4 administrative agencies when those acts are concerned with the rights and
5 interests of individuals involved in the welfare services system of the
6 State of Nebraska.

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

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

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

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