

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1343

Introduced by Wayne, 13.

Read first time January 17, 2024

Committee:

- 1 A BILL FOR AN ACT relating to the office of Public Counsel; to amend
2 sections 43-4317 and 47-904, Reissue Revised Statutes of Nebraska,
3 and section 81-8,244, Revised Statutes Cumulative Supplement, 2022;
4 to change and eliminate provisions relating to the appointment,
5 reappointment, and terms of the Inspector General of Nebraska Child
6 Welfare and the Inspector General of the Nebraska Correctional
7 System; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-4317, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-4317 (1) The office of Inspector General of Nebraska Child
4 Welfare is created within the office of Public Counsel for the purpose of
5 conducting investigations, audits, inspections, and other reviews of the
6 Nebraska child welfare system. The Inspector General shall be appointed
7 by the ~~Public Counsel with approval from the chairperson of the Executive~~
8 ~~Board of the Legislative Council and the chairperson of the Health and~~
9 ~~Human Services Committee of the Legislature.~~

10 (2) ~~The Inspector General shall be appointed for a term of five~~
11 ~~years and may be reappointed.~~ The Inspector General shall be selected
12 without regard to political affiliation and on the basis of integrity,
13 capability for strong leadership, and demonstrated ability in accounting,
14 auditing, financial analysis, law, management analysis, public
15 administration, investigation, or criminal justice administration or
16 other closely related fields. No former or current executive or manager
17 of the department may be appointed Inspector General within five years
18 after such former or current executive's or manager's period of service
19 with the department. Not later than two years after the date of
20 appointment, the Inspector General shall obtain certification as a
21 Certified Inspector General by the Association of Inspectors General, its
22 successor, or another nationally recognized organization that provides
23 and sponsors educational programs and establishes professional
24 qualifications, certifications, and licensing for inspectors general.
25 During his or her employment, the Inspector General shall not be actively
26 involved in partisan affairs.

27 (3) The Inspector General shall employ such investigators and
28 support staff as he or she deems necessary to carry out the duties of the
29 office within the amount available by appropriation through the office of
30 Public Counsel for the office of Inspector General of Nebraska Child
31 Welfare. The Inspector General shall be subject to the control and

1 supervision of the Public Counsel, except that removal of the Inspector
2 General shall require approval of the chairperson of the Executive Board
3 of the Legislative Council and the chairperson of the Health and Human
4 Services Committee of the Legislature.

5 Sec. 2. Section 47-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 47-904 (1) The office of Inspector General of the Nebraska
8 Correctional System is created within the office of Public Counsel for
9 the purpose of conducting investigations, audits, inspections, and other
10 reviews of the Nebraska correctional system. The Inspector General shall
11 be appointed by the ~~Public Counsel with approval from the chairperson of~~
12 ~~the Executive Board of the Legislative Council and the chairperson of the~~
13 ~~Judiciary Committee of the Legislature.~~

14 (2) ~~The Inspector General shall be appointed for a term of five~~
15 ~~years and may be reappointed.~~ The Inspector General shall be selected
16 without regard to political affiliation and on the basis of integrity,
17 capability for strong leadership, and demonstrated ability in accounting,
18 auditing, financial analysis, law, management, public administration,
19 investigation, or criminal justice administration or other closely
20 related fields. No former or current executive or manager of the
21 department shall be appointed Inspector General within five years after
22 such former or current executive's or manager's period of service with
23 the department. Not later than two years after the date of appointment,
24 the Inspector General shall obtain certification as a Certified Inspector
25 General by the Association of Inspectors General, its successor, or
26 another nationally recognized organization that provides and sponsors
27 educational programs and establishes professional qualifications,
28 certifications, and licensing for inspectors general. During his or her
29 employment, the Inspector General shall not be actively involved in
30 partisan affairs.

31 (3) The Inspector General shall employ such investigators and

1 support staff as he or she deems necessary to carry out the duties of the
2 office within the amount available by appropriation through the office of
3 Public Counsel for the office of Inspector General of the Nebraska
4 Correctional System. The Inspector General shall be subject to the
5 control and supervision of the Public Counsel, except that removal of the
6 Inspector General shall require approval of the chairperson of the
7 Executive Board of the Legislative Council and the chairperson of the
8 Judiciary Committee of the Legislature.

9 Sec. 3. Section 81-8,244, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 81-8,244 (1) ~~(1)(a)~~ The Public Counsel may select, appoint, and
12 compensate as he or she sees fit, within the amount available by
13 appropriation, such assistants and employees as he or she deems necessary
14 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He
15 or she shall appoint and designate one assistant to be a deputy public
16 counsel, one assistant to be a deputy public counsel for corrections, one
17 assistant to be a deputy public counsel for institutions, and one
18 assistant to be a deputy public counsel for welfare services.

19 (2) ~~(b)~~ Such deputy public counsels shall be subject to the control
20 and supervision of the Public Counsel.

21 (3) ~~(c)~~ The authority of the deputy public counsel for corrections
22 shall extend to all facilities and parts of facilities, offices, houses
23 of confinement, and institutions which are operated by the Department of
24 Correctional Services and all county or municipal correctional or jail
25 facilities.

26 (4) ~~(d)~~ The authority of the deputy public counsel for institutions
27 shall extend to all mental health institutions and facilities operated by
28 the Department of Health and Human Services, to all veterans institutions
29 operated by the Department of Veterans' Affairs, and to all regional
30 behavioral health authorities that provide services and all community-
31 based behavioral health services providers that contract with a regional

1 behavioral health authority to provide services, for any individual who
2 was a patient within the prior twenty-four months of a state-owned and
3 state-operated regional center, and to all complaints pertaining to
4 administrative acts of the department, authority, or provider when those
5 acts are concerned with the rights and interests of individuals placed
6 within those institutions and facilities or receiving community-based
7 behavioral health services.

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

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

17 ~~(2) The Public Counsel shall appoint the Inspector General of~~
18 ~~Nebraska Child Welfare as provided in section 43-4317. The Inspector~~
19 ~~General of Nebraska Child Welfare shall have the powers and duties~~
20 ~~provided in the Office of Inspector General of Nebraska Child Welfare~~
21 ~~Act.~~

22 ~~(3) The Public Counsel shall appoint the Inspector General of the~~
23 ~~Nebraska Correctional System as provided in section 47-904. The Inspector~~
24 ~~General of the Nebraska Correctional System shall have the powers and~~
25 ~~duties provided in the Office of Inspector General of the Nebraska~~
26 ~~Correctional System Act.~~

27 Sec. 4. Original sections 43-4317 and 47-904, Reissue Revised
28 Statutes of Nebraska, and section 81-8,244, Revised Statutes Cumulative
29 Supplement, 2022, are repealed.